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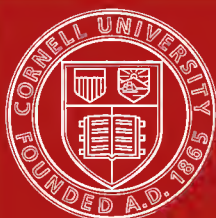
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OFFICIAL HISTORY
OF THE
DISCUSSION BETWEEN VENEZUELA
AND GREAT BRITAIN
ON THEIR
GUIANA BOUNDARIES.

ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

INTRODUCTION.

Holland cedes to Great Britain the Colonies of Demerara, Essequibo and Berbice. Convention between H. B. M. and the United Provinces of the Netherlands, relating to their colonies, signed in London on the 13th of August, 1814.

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ARTICLE I.

His Britannic Majesty engages to restore to the Prince Sovereign of the United Provinces of the Netherlands, within the time which shall be specified here below, the colonies, factories and establishments of which Holland was in possession at the beginning of the late war, that is to say, on the 1st of January, 1803, in the seas and continents of America, Africa and Asia, with the exception of the Cape of Good Hope and of the establishments of Demerara, Essequibo and Berbice, which the High Contracting Parties reserve the right to dispose of by a supplementary convention which shall be adjusted at once in conformity with the mutual interests of both parties, and more especially in relation to the stipulations contained in articles 6 and 9 of the treaty of peace concluded between His Britannic Majesty and His Most Christian Majesty on the 30th of May, 1814.

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FIRST ADDITIONAL ARTICLE.

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3. To defray, jointly with Holland, and in equal parts, all the ulterior expenses which may be determined and agreed upon by common consent by the High Contracting Parties and their allies, with the object of consolidating and definitely establishing, in a satisfactory manner, the union of the Netherlands and Holland under the rule of the House of Orange, the quota to be furnished by Great Britain not to exceed three million pounds sterling.

In consideration of the engagements above mentioned, the Prince Sovereign of the Netherlands consents to cede in all sovereignty to His Britannic Majesty the Cape of Good Hope and the establishments of Demerara, Essequibo and Berbice, on condition, however, that the subjects of H. R. M., the Prince Sovereign, who own property in said colonies or establishments, shall be at liberty (saving the regulations which shall be agreed upon in a supplementary convention) to navigate and trade between said establishments and the territories of said Prince Sovereign in Europe.

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Done in London on the 13th of August, 1814.

(K. S.) CASTLEREAGH.

(L. S.) H. FAGEL.

THE "SCHOMBURGK LINE."

At the present moment, when SCHOMBURGK's boundary line is being virulently discussed, it will be interesting to read the following communication, from a Parliamentary Paper dated May 11th, 1840, as it gives the real object of the traveler's work :

FOREIGN OFFICE, 18 March, 1840.

SIR :—I am directed by Viscount Palmerston to acknowledge the receipt of your letter of the 6th instant, enclosing copies and extracts of despatches and their enclosures from Mr. Light, Governor of British Guiana, relative to the expediency of an arrangement being made with the Brazilian, Venezuelan and Netherland governments, by which the boundaries of British Guiana may be accurately defined.

With reference to that part of your letter in which you state that Lord John Russell considers it to be important that the boundaries of British Guiana should be ascertained and agreed upon, if possible, and that Mr. Schomburgk's researches in those parts have qualified him in a peculiar manner to be of use, should the services of any person acquainted with the geography of British Guiana be required for fixing the boundaries of the British territory, I am to state to you, that the course of proceeding which Lord Palmerston would suggest for the consideration of Lord John Russell is, that a map of British Guiana should be made out according to the boundaries described by Mr. Schomburgk ; that the said map should be accompanied by a memoir, describing in detail the natural features which define and constitute the boundaries in question ; and that copies of that map and memoir should be delivered to the governments of Venezuela, of Brazil, and of the Netherlands, as a statement of the British claim. That in the meanwhile British commissioners should be sent to erect landmarks on the ground, in order to mark out by permanent erections the line of boundary so claimed by Great Britain. It would then rest with each of the three governments above mentioned to make any objection which they might have to bring forward against these boundaries, and to state the reasons upon which such objections might be founded, and Her Majesty's Government would then give such answers thereto as might appear proper and just.

Lord Palmerston further considers, that it would be expedient that the Brazilian detachment should be required to withdraw from Pirara, and that the officer in command should be informed, that any claim which Brazil may imagine itself to have to that village should be stated by the Brazilian government to that of Great Britain, in order that it may be discussed and settled between the two governments.

I have, &c.,

James Stephen, Esq.

LEVESON.

[The above is taken from "The Argosy," vol. 30, No. 758, October 12, 1895, of the City of Georgetown, Demerara.]

OFFICIAL CORRESPONDENCE.

PART I.

Paragraphs from the instructions given by the Secretary of Foreign Affairs of ancient Colombia to her Minister Plenipotentiary in London, Senor J. Rafael Revenga (A. D. 1822).

[Translation.]

. . . Allow me, nevertheless, to call your special attention to article 2 of the draft of the treaty on limits. The English are now in possession of Dutch Guiana, being therefore our neighbors on that side. Therefore you must agree as exactly as possible upon the dividing line between one and the other territory, in accordance with the latest treaties between Spain and Holland. The colonists of Demerara and Berbice have usurped a large tract of land that, according to said treaties, *belongs to us on the side of the Essequibo river*. It is absolutely necessary that said colonists either place themselves under the protection of and submission to our laws, or else retire to their former possessions. To this end they should be granted the necessary time according to the provisions in the draft for the treaty.¹

¹ Señor Revenga had no occasion to use this part of his instructions, since he had no opportunity to discuss the question of boundary during his mission to London.

PART II.

Hon. Robert Ker Porter, British Minister in Caracas, to the Venezuelan Minister of Foreign Affairs.

BRITISH LEGATION,
CARACAS, May 26, 1836.

SIR :—From a recent correspondence I have held with His Majesty's Consul in Angostura, I have to request the *serious attention* of the Executive to a Representation I am about to make, relative to the more safe navigation for vessels on entering the Principal mouth of the Orinoco, situated to the South West of the Island of Trinidad. Being particularly induced to address the Government on this subject, in consequence of the very imminent dangers vessels are exposed to, not only for want of *proper land and water marks to guide* them, but likewise on account of the *inefficient state of the Pilot Establishment* on the Island of Pagayos, a considerable distance up the river.

In proof of the results, from what I have just mentioned, allow me to state that on the 7th of January last the British Brig "Coriolanus," coming from St. Thomas to Angostura, ran on shore a little to the leeward of the Grand Mouth of the Orinoco; and totally for want of a *Beacon to point out the proper entrance*. Every effort was made on the part of the Master and crew, assisted by some Indians, to get her off, but without success. She soon bilged and became a wreck. On the 29th she was totally abandoned, and on the 6th of February, the Captain and crew reached Angostura; when he duly reported his misfortune, and the *cause of it*, to the British Consul in that city.

A second circumstance of the like nature (from similar causes) took place but a very few weeks afterwards—namely—The British vessel "The Sir Walter Scott" bound outwards, with a cargo of cattle for use of the troops in the English colonies, ran aground (and for want of a Pilot) in crossing from the point of Crab Island to Cape Barima, where she remained

in the greatest distress during three days. The Consul in reporting this circumstance to me, adds: "Here is an additional instance of ruinous tendency, arising out of the present imbecile Pilot System of the Orinoco, and although the misfortune was known at the Station of the Pilots in Pagayos, no assistance whatever was rendered. The vessel and cargo must have sustained considerable injury, the particulars of which I have not yet had, as the Captain, the moment he got off, proceeded on his voyage." Let me here refer you, for the present, to the enclosed copy of a letter addressed to the Governor of the Province of Guiana by the Consul, in illustration of the great neglect, as also disobedience to the Pilot regulations.

From what I have already said, it becomes my official duty to represent to the Executive of this Republic the indispensable necessity (and that without further delay) of placing a conspicuous Beacon on Cape Barima, the point forming the Grand Mouth of the Orinoco to the S. S. East, where I am given to understand it could be done with the greatest facility and to the greatest advantage. This object would effectually prove a sure mark, as also a safeguard to all vessels seeking for the proper entrance into this vast river; and it becomes the more to be required, from the great difficulty experienced by all navigators in finding the entrance, as the coast presents the *same appearance* for many leagues together, and at this day has *not a single mark to denote it*. The Island of Cangrejos forms the other side of the Great Mouth, situated at a distance of about eighty leagues from the Cape to the W. N. West, whose dangerous sand banks reduce the only navigable channel to scarcely three miles in width, which commences on passing the Bar (just without Cape Barima), soon becoming difficult and intricate, particularly so after ascending for about three leagues, where the channel frequently changes its course on account of the shifting sands. In fact it cannot be denied but that the whole navigation up to the Island Pagayos (eleven leagues from the Cape) is extremely dangerous and uncertain, requiring to be well surveyed and carefully sounded by some one thoroughly acquainted with that part of the Orinoco and its probable casualties. Buoys ought to be forthwith laid down *at those particular points, which either mark*

the channel or shew where sand banks or sunken rocks lay, both being numerous, impeding the Navigation and increasing the dangers of the River to the great risk of lives and property.

The next subject of my representation regards the actual, and I may say almost useless, system of Orinoco Pilotage. I am well aware that a Pilot Boat *was intended to have gone out every day from Point Barima* to cruise for vessels bearing towards the entrance of the river, but a shameful want of proper arrangement, attended by neglect, *rendered abortive* this wise and well intended plan on the part of the Department of Marine. *And it does not exist at this day.* The only Pilot Station on the Orinoco is at the Island of Pagayos, forty miles distant from the entrance at the Great Mouth of the river. And it appears very clear that great difficulties and perils must be encountered in reaching it.

The amicable bearing at all times manifested by this Government in its Foreign Relations, not only political but commercial, assures me that it is vividly alive at all times to whatever may either augment that friendly feeling or increase the mercantile prosperity of the country. *Under this firm belief*, as well as from a sense of my duties in watching over that of my own country, I therefore seize the present occasion in endeavoring to *impress on the Executive the imperious necessity of promptly taking stable and energetic measures in the regulation of that which is of such vital importance to the growing Trade of Angostura*, whose increase or diminution cannot but very materially affect that of the whole of the neighboring Provinces of the Republic, and consequently influence the public revenue. Allow me to add (as materially connected with the subject in question), being a well known fact that not only in England, but in many of her colonies, the merchants are afraid to speculate, or even send their vessels to the Orinoco, in consequence of the dangers to which both property and life are exposed, from the causes I have already set forth, thus corroborating what I have stated touching the total abandonment in which the navigation of the Orinoco at present is left. Indeed, so deep is the impression of risk on the British mercantile mind, that at the Lloyds, in Lon-

don, *no Insurance can be effected to that river without a very considerable advance on the Premium, and in many places not at all.*

His Majesty's Consul at Angostura (as the preceding enclosure would shew you) found it his indispensable duty to call the observance of the Governor of the Province of Guiana to the subject I now write you on, under the full hope that he might be able, by his authority and remonstrance, to check in future the pursuance, on the Orinoco, of a system truly prejudicial to the interest of individuals, as well as to the general commerce. I have had the honor of just laying before you that gentleman's official note to the Governor, which, together with his answer, as also other documents connected with the present representation, were forwarded to me, mentioning at the same time, that such had been duly sent officially to his Government for its knowledge and guidance. These papers I cannot doubt, will further show the Executive how absolutely useless the Pilot Establishment is on the Island of Pagayos, being rather detrimental than advantageous to the intent and views of the Legislature; hence, demanding a most radical reform in some way or other.

Before I close this despatch I must once more repeat my solicitude, that the Minister of the Marine be directed *to investigate and correct the abuses which have frustrated the good intent of the Government and that Department*, and likewise that he be directed to attend to the recommendation I now have the honor of making, by placing a proper Beacon on the Barima Cape, as also the appropriate Buoys in the Orinoco for the safer navigation of it, so that I may be enabled in a very short time (and I trust the urgency will be seen) to have the satisfaction of officially communicating to His Majesty's Principal Secretary of State for Foreign Affairs (for the information of the Merchants interested at Lloyds), the measures that have been taken by this Government, *rendering the great entrance to the Orinoco perfectly perceptible; as also the navigation of the river up to Angostura perfectly safe.*

I have the honor to remain sir, etc., etc.,

(Signed) ROBT. KER PORTER.

The Honorable Señor José R. Gallegos, etc., etc.

PART III.

Extracts from the Instructions by the Venezuelan Government to Dr. Alejo Fortique, its Minister at London, September, 1841.

[Translation.]

Although Venezuela's rights in Guayana extended to the banks of the Essequibo, as you should show, this Government being anxious to remove all obstacles to a speedy adjustment, is not disposed to insist upon its rights to that extent, it being manifest that England will not agree to surrender her establishments on the Pumarón and Moroco rivers. You may, therefore, direct the course of your negotiations accordingly, making gradual concessions until an agreement can be had on the following line of boundary between Venezuela and British Guiana, viz. : The Moroco from its mouth to its headwaters in the Imataca mountains; thence southward along the highest ridge of these mountains to Tupuro creek; thence along the waters of said creek to the Cuyuni river; thence along the northern side of the Cuyuni to its confluence with the Essequibo; and thence southward along the left bank of the Essequibo to its confluence with the Rupuruni as a terminus.

Dr. Fortique to Lord Aberdeen.

[Translation.]

The undersigned, Minister Plenipotentiary of the Republic of Venezuela, has the honor to inform the Honorable Earl of Aberdeen, Prime Secretary of State and Foreign Affairs, that his Government, being informed of the appointment by Her Majesty's Government of a Commissioner to fix and mark the limits between British Guiana and Venezuela, proposed since the 28th of January *ultimo*, that a treaty of boundaries be agreed upon by Plenipotentiaries fully authorized thereto, and

promised that, upon conclusion of said treaty, Venezuela would designate a Commissioner who, in accord with one appointed by Her Majesty's Government, would proceed to settle upon fixed bases and to mark the limits between British Guiana and Venezuela. Two days later the British Consul at Caracas announced that he had transmitted to his Government the proposition made by the Venezuelan Government, which is still awaiting a reply.

The Honorable Earl of Aberdeen may now judge the surprise of the Government of Venezuela upon learning that, in the territory of the Republic, a sentry-box has been erected, upon which the British flag has been raised. The Venezuelan Government is in ignorance of the origin and purport of these proceedings, and hopes that they may receive some satisfactory explanation of this action. In the meantime, the undersigned, in compliance with the instructions communicated to him, urges upon the Honorable Earl of Aberdeen the necessity of entering into a treaty of boundaries, as a previous step to the fixation of limits, and begs to ask for an answer to the above mentioned communication of January 28th.

With sentiments of the highest consideration and esteem,
the Hon. Earl of Aberdeen's most obedient servant,

(Signed) A. FORTIQUE.

No. 22 Wimpole St., October 5th, 1841.

To the Hon. Earl of Aberdeen, etc., etc., etc.

Lord Aberdeen to Dr. Fortique.

The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the note addressed to him on the 5th instant by M. Fortique, Minister Plenipotentiary of the Republic of Venezuela, referring to a correspondence which took place in January last between the acting British Consul at Caracas and the Venezuelan Minister for Foreign Affairs, respecting the appointment of Mr. Schomburgk to survey and mark out the Boundaries between British Guiana and Venezuela, and stating that the

Government of Venezuela has been informed that a Guard House or Sentry Box has been erected upon the Venezuelan territory, and the British Flag has been hoisted thereon.

The Undersigned has to inform M. Fortique that Her Majesty's Government has received from the Governor of British Guiana Mr. Schomburgk's Report of his Proceeding in execution of the Commission with which he has been charged. That Report states that Mr. Schomburgk set out from Demerara in April last, and was on his return to the Essequibo River at the end of June. It appears that Mr. Schomburgk planted Boundary Posts at certain points of the country which he has surveyed, and that he was fully aware that the Demarcation so made was merely a preliminary measure open to future discussion between the Governments of Great Britain and Venezuela. But it does not appear that Mr. Schomburgk left behind him any Guard House, Sentry Box or other Building bearing the British Flag.

With respect to the proposal of the Venezuelan Government that the Governments of Great Britain and Venezuela should conclude a Treaty as a preliminary step to the demarcation of the Boundaries between British Guiana and Venezuela, the Undersigned begs leave to observe that it appears to him that if it should be necessary to make a Treaty upon the subject of the Boundaries in question, such a measure should follow, rather than precede, the operation of the survey.

The Undersigned requests M. Fortique to accept the assurances of his highest consideration.

ABERDEEN.

Foreign Office, October 21st, 1841.

Dr. Fortique to Lord Aberdeen.

[Translation.]

The undersigned, Minister Plenipotentiary of the Republic of Venezuela, has the honor to acknowledge receipt of the note dated the 21st of October ultimo, in which the Hon. Earl of Aberdeen, H. British Majesty's Prime Secretary of State in the Department of Foreign Affairs, referring to the report made by

Mr. R. H. Schomburgk on his topographical work in Guiana, states that said commissioner planted boundary posts in the territory visited by him and that he was fully convinced that the demarcation thus made was simply a preliminary step subject to future discussion between Great Britain and Venezuela.

The undersigned, since then, has received instructions from his Government to assert to H. B. Majesty's Government that Commissioner Schomburgk, doubtlessly overstepping his instructions, has planted, at a point on the mouth of the Orinoco, several posts, bearing Her Majesty's initials and raised, on the same place, with a show of armed forces, the British flag, and also performed several other acts of dominion and government.

The Government of Venezuela, being successor to titles, never disputed by any nation, which Spain possessed to the province of Guiana; being the peaceful possessor, not only of the Orinoco, but also of all the adjacent territory to a considerable distance, and finally, being confident of the integrity of the contiguous nations, were, until now under the belief that there was no reason to fear any invasion or any wrong, at least from a friend such as England, with whom they maintain such close relations.

This explains why, on the 12th of January of this year, when the British Consul *pro tem.* in Caracas, addressed to the Secretary of State in the Department of Foreign Affairs a communication in which the information was conveyed by order of Viscount Palmerston that Her Majesty's Government had commissioned the above mentioned Schomburgk to fix and mark the boundaries between British Guiana and Venezuela, the Executive Power in reply to said communication proposed a boundary treaty to be negotiated by fully authorized plenipotentiaries as a previous step to the fixation and demarcation of limits, deeming that, this being a material operation, it was reasonable that its performance be made in accordance with whatever was stipulated. This proposition was not even answered and the commissioner acted as stated.

If the mere fact of planting boundary posts in the territory of the Republic is an open violation of her rights, the undersigned leaves it to the consideration of Her Majesty's Govern-

ment, to their penetration and their perspicacity, to judge of the impression received in Venezuela upon learning that the erection of these posts had been accompanied by all the signs of actual possession. The dissatisfaction caused by this undeserved offense has been indeed great; suffice it to say, that the Executive Power has been accused of negligence in the preservation of the dignity and the possessions of the Republic, only because the Executive Power has always shown in this negotiation an unlimited confidence in the justice of Her Majesty's Government.

Fortunately this confidence, so ominous to the Venezuelan people, has been until now justified, and the undersigned takes pleasure in stating that he has found in the Honorable Earl of Aberdeen the noble sentiments of liberality and honor befitting his Lordship's high public office, as his Lordship must have inferred from the interviews the undersigned has had with him in reference to this matter. The undersigned, therefore, has no doubts but that he will obtain from Her British Majesty's Government a reparation for the wrong done to the dignity of the Republic, and that those signs which have so unpleasantly shaken public confidence will be ordered removed. The Government of Venezuela might well, in justice and right, have had this done by their own order without offending, by so doing, the British Government, and the fact that, through extreme courtesy, this has not been done, must enhance before Her British Majesty's Ministers the deferential conduct of Venezuela.

Aside from the subject matter of the foregoing, the following words have been noted as occurring in said communication of the acting British Consul at Caracas, to wit: "The Governor of British Guiana has been authorized to resist any aggression on the territories adjacent to the frontier until now occupied by independent tribes." These words require explanation, because the Government of Venezuela cannot believe that Her Majesty's Government wanted to establish a principle of protection over the Indians living outside of the English frontier, who by this mere fact, occupy Venezuelan territory, or that England may pretend to recognize in the savage tribes the personality that the laws of nations concede only to nations constituted as a

political body, nor finally, that it be intended by this means to defraud Venezuela of the rights which, in America, have always been recognized as belonging to discoverers.

The undersigned reiterates to the Hon. Earl of Aberdeen the sentiments of his highest consideration and esteem.

A. FORTIQUE.

No. 22 Wimpole st., November 18, 1841.

To the Hon. Earl of Aberdeen, etc., etc., etc.

Dr. Fortique to Lord Aberdeen.

The undersigned, Minister Plenipotentiary of the Republic of Venezuela, has the honor to again address the Hon. Earl of Aberdeen, Her British Majesty's Prime Secretary of State in the Department of Foreign Affairs, in reference to the subject matter of his communication of the 18th of last month. The undersigned is aware that said communication was sent by the Hon. Earl of Aberdeen to the Colonial Department and that the large amount of official business engaging Her Majesty's Ministers has prevented an opportune reply to said communication; two important subjects, however, compel the undersigned to trouble them again, notwithstanding the above mentioned considerations.

The first is a recent order from the Government of the undersigned, directing him to insist, not only upon the conclusion of a treaty fixing the boundaries between Venezuela and British Guiana, but also, and this very particularly, to insist upon the removal of the signs set up, contrary to all rights, by the surveyor, R. H. Schomburgk, in Barima and in other points of the Venezuelan territory. In his aforementioned communication of the 18th of last month, the undersigned has already informed the Hon. Earl of Aberdeen of the dissatisfaction prevailing among the Venezuelans on this account, and now adds that this dissatisfaction, far from diminishing, grows stronger, as is but natural, as time goes on and no reparation of the wrongs is made.

The second relates to the conduct of the Governor of British Guiana in his conferences with the two Commissioners accred-

ited by the Venezuelan Government to British Guiana with the mission of asking for explanations in regard to the aforesaid signs, as he stated to them that: "The true limits between the two Guianas being in reality undefined and under discussion, the work of Mr. Schomburgk has not been done, nor could it have been done, with the object of taking possession, but was a mere demarcation of the line pretended by British Guiana, and that, therefore, while the limits are undetermined the Government of Venezuela must be confident that no forts shall be constructed on the territory in dispute, and that neither troops nor any other force shall be sent there." But, at the same time that the Governor was making this manifest declaration of the lack of England's right in support of the demarcation made by Schomburgk, he also stated that he did not believe himself authorized to alter it, and thus by a contradiction worthy of consideration the authorities of British Guiana pretend to support effectually an act which, according to themselves, has no value in law, and although to cover it, the aforementioned Schomburgk added that such lines were as valid as though they were drawn on the map with ink, their persistence in not removing them gives rise to suspicions not calculated to calm the dissatisfaction of the Nation, nor to inspire the Government of the undersigned with that confidence necessary to proceed to an understanding requiring, as the boundary question does, a most friendly disposition between adjoining peoples.

The Venezuelans, their Government and the undersigned know, however, how to discriminate between the conduct, generally timid and irresolute, of subordinate authorities and the upright and pure intentions of Her Majesty's Government, and are far from believing that in order to support the conduct of Commissioner Schomburgk, that Government should approve with regard to the Venezuelan Government the same thing which has been reproved to the United States of North America. Venezuela's right in this matter, the assurance that the Hon. Earl of Aberdeen has given to the undersigned of the non-importance which Her Majesty's Government attaches to the aforesaid signs; the statements made by the Governor

of Demerara and Surveyor Schomburgk on this same subject, the damages sustained, not only by the interests of the Venezuelans, but also by many of the British subjects established in this Republic, on account of the alarm prevailing in the Nation, and, finally, the confidence that the principles of dignity and uprightness of a Government as strong and powerful as that of Great Britain must inspire, these are all considerations which maintain the ever increasing hopes in the undersigned that the signs of all kinds erected by Commissioner Schomburgk will be removed as early as possible, and that immediately afterwards the negotiations tending to a definite settlement of the boundaries between the Guianas of Venezuela and Great Britain will be commenced.

The undersigned feels a particular satisfaction in renewing to the Hon. Earl of Aberdeen the expression of his consideration and respect.

A. FORTIQUE.

No. 22 Wimpole Street, December 8, 1841.

To the Hon. Earl of Aberdeen, etc., etc., etc.

Lord Aberdeen to Dr. Fortique.

FOREIGN OFFICE, December 11, 1841.

The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to reply to the notes addressed to him on the 18th ultimo, and on the 8th instant, by M. Fortique, Minister Plenipotentiary of the Republic of Venezuela, requiring Her Majesty's Government to order the removal of the Post fixed by Mr. Schomburgk near the mouth of the River Orinoco, and repeating that M. Fortique is empowered to make a treaty with Great Britain for the settlement of the Boundary between the British and Venezuelan possessions in Guiana. The Undersigned begs leave to refer to his note of the 21st of October last, in which he explained to M. Fortique that the proceeding of Mr. Schomburgk in planting Boundary Posts at certain points of the country which he has surveyed was merely a Preliminary measure open to future discussion between the two Governments, and that it would be

premature to make a Boundary Treaty before the survey will be completed.

The Undersigned has only further to state that much unnecessary inconvenience would result from the removal of the Posts fixed by Mr. Schomburgk, as they will afford the only tangible means by which Her Majesty's Government can be prepared to discuss the question of the Boundaries with the Government of Venezuela. Those Posts were erected for that express purpose, and not as the Venezuelan Government appear to apprehend, as indications of Dominion and Empire on the part of Great Britain. And the Undersigned is glad to learn from M. Fortique's note of the 8th instant that the two Venezuelan Gentlemen who have been sent by their Government to British Guiana have had the means of ascertaining from the Governor of that Colony that the British Authorities have not occupied Point Barima.

The Undersigned has the honor to renew to M. Fortique the assurance of his high consideration.

ABERDEEN.

M. Fortique, etc., etc., etc.

Dr. Fortique to Lord Aberdeen.

The undersigned, Minister Plenipotentiary of the Republic of Venezuela, has the honor to reply to the communication of the Hon. Earl of Aberdeen, Her British Majesty's Prime Secretary of State in the Department of Foreign Affairs, dated on 11th of last month, in which, referring to the signs placed on Venezuelan territory by Surveyor Schomburgk, his Lordship states that their removal would entail much useless trouble, as they offer the only tangible means by which Her Majesty's Government could be prepared to discuss the boundary question, and that they were erected with this special object, and not, as the Venezuelan Government seems to fear, as signs of dominion and government on the part of Great Britain.

The undersigned regrets to be obliged to again insist upon this point; but the damages sustained by Venezuela on account of the permanence of said signs are so serious, that he hopes,

in view of these facts, that the trouble resulting from their removal may not appear useless.

The undersigned has already stated, either by writing or verbally, that the unexpected proceeding of the English Commissioner, the ostentatious performance of this act, and the fact that the English flag was raised upon these same signs and Her British Majesty's monogram placed thereon, have given rise, as was to be expected, not only to the dissatisfaction of the Venezuelan people, but have also excited grave fears that all the explanations received up to the present time, and the hope which the undersigned has imparted that such signs would soon be removed, cannot wholly dissipate. The Venezuelan Government has vainly taken great pains to inspire confidence in the uprightness of Her Majesty's Government and to persuade the people that negotiations are preferable to force. Citizens, well worthy of the public esteem in which they are held, on seeing the position of the relations between the two countries, and fearing that the peace of English subjects resident in the Republic might be disturbed, have also vainly striven to the same end; the Venezuelans have seen the English flag floating over their territory, and it is not to be expected that while such marks, erected so untimely, lest the Venezuelans should feel satisfied to let them remain, and malcontents will profit by this for their plots of ominous consequences.

Congress will soon convene and the Executive must submit to that body both this matter and the Government's conduct in the premises. No one can tell in what light these will be looked upon by the Representatives of the Nation nor how far they may be influenced by public alarm. It would be desirable then that they learn at the same time that the confidence in Her Majesty's Government has not been misplaced and that the marks or signs have been removed.

Contraband trade, which reduces the revenue of the Treasury and so completely demoralizes communities, is also one of the evil results of these unfortunate signs, because, under the British flag raised in Barima, a perfect system of fraudulent trade has been established from the Island of Trinidad, affecting most seriously the interests of honest merchants, either

English or otherwise, who respect the laws of the country and who endeavor by means of honest trade to make profits proportionate to their labor. This is a calamity that at the present is deplored by British subjects resident in Trinidad, Barbadoes and other places, according to reports published by the newspapers of said islands and also by the city papers. Would the trouble resulting from the removal of the signs be useless if it is conducive to the preservation of the order and morality of a State that has constantly given to England proofs of its friendship and good faith?

In addition to this, the fatal results of public restlessness and the fact that a disagreement is to be feared, must be taken into consideration, and it will be seen that, even were the signs less significant than Her Majesty's Government proclaim them to be, the Governor of Demerara, Commissioner Schomburgk himself, a sentiment of justice, the consideration due to a friendly nation, demand their removal.

But the Hon. Earl of Aberdeen is of opinion that these signs may serve as tangible means for the discussion of a boundary treaty, and it must be remarked at this juncture, that the line, such as it is described, is not the one H. B. M. believes to be the boundary of British Guiana, but the line that Commissioner Schomburgk has thought convenient to describe, as the map which he was instructed to draw after examination of the territory has not, even yet, been received in London. In this uncertainty the undersigned is not of the opinion that the fixation of points should be the initial operation, nor does he believe most appropriate to inspire that confidence required for any transaction the fact that one of the parties concerned should ascribe to itself, without previous consent of the other, the territory the possession of which is claimed.

When the points over which a boundary line will pass have been agreed upon; when, as was the case with the United States of North America, there is a previous boundary treaty in force, the commissioners of one or both parties may proceed to the material operation of describing said boundary, and in case they should not come to an understanding, they may proceed to the erection of any signs which they may deem con-

venient, until an arrangement can be arrived at which shall depend solely upon the understanding or realization of what has been agreed upon. Venezuela is ready to enter into such an agreement and has invested the undersigned with the proper authority to that effect and if, as it is to be expected, H. M.'s Government is well disposed toward a friendly settlement, the removal of the aforesaid signs is not only useful, but is also an absolute necessity.

The undersigned takes pleasure in renewing to the Hon. Earl of Aberdeen the assurance of his highest consideration and esteem.

A. FORTIQUE.

22 Wimpole st., January 10, 1842.

To the Hon. Earl of Aberdeen, etc., etc., etc.

Lord Aberdeen to Dr. Fortique.

[Copy.]

FOREIGN OFFICE, January 31, 1842.

The undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note addressed to him on the 10th instant by M. Fortique, Minister Plenipotentiary of the Republic of Venezuela, representing the alarm and excitement which have been created in Venezuela on account of the marks fixed by Mr. Schomburgk at different points of his survey near the mouth of the Orinoco, and renewing his request that Her Majesty's Government will order the removal of those marks.

The undersigned begs to inform M. Fortique in reply, that in order to meet the wishes of the Government of Venezuela, Her Majesty's Government will send instructions to the Governor of British Guiana, directing him to move the posts which have been placed by M. Schomburgk near the Orinoco.

But the undersigned feels it his duty distinctively to declare to M. Fortique, that, although, in order to put an end to the misapprehension which appears to prevail in Venezuela with regard to the object of M. Schomburgk's survey, the undersigned has consented to comply with the renewed representa-

tions of M. Fortique upon this affair; Her Majesty's Government must not be understood to abandon any portion of the rights of Great Britain over the territory which was formerly held by the Dutch in Guiana.

The undersigned begs to renew to M. Fortique the assurance of his high consideration.

(Signed) ABERDEEN.

M. Fortique, etc., etc., etc.

Mr. Henry Light to Mr. Daniel F. O'Leary.

BRITISH GUIANA, GOVERNMENT HOUSE,

DEMERARA, March 9, 1842.

SIR—I have the honour to inform you, for the satisfaction of the Government of Venezuela, that I have received instructions from the Right Honorable the Secretary of State for the Colonies to remove the landmarks placed by Mr. Schomburgk on the Barima and elsewhere in his survey of the assumed limits of British Guiana.

These instructions having been given will, I trust, be received by you as a pledge of the friendly intentions of Her Majesty's Government, and shall be obeyed as soon as possible.

In the meantime, if any delay arise in carrying into effect the orders I have received, I trust to your good offices to point out to the Venezuelan Government that all grounds of remonstrance may be considered removed, from the concession made to it by the British Ministers.

I have the honor to be, Sir, your most obedient, humble servant,

HENRY LIGHT,
Governor British Guiana.

Mr. O'Leary, British Consul at Caracas, to Dr. Aranda.

CARACAS, April 8, 1842.

The undersigned, Her Britannic Majesty's acting Consul at Caracas, has the honor to transmit herewith to M. Aranda,

Secretary of State for Foreign Affairs of the Republic of Venezuela, copy of a despatch which he has received from the Governor of British Guiana, acquainting the undersigned, for the satisfaction of the Venezuelan Government, that His Excellency has been directed by the Right Honorable the Secretary for the Colonies to remove the landmarks placed by Mr. Schomburgk near the mouth of the Orinoco; and expressing a hope that the Venezuelan Government will consider all grounds of remonstrance removed, from the concession made to it by Her Majesty's Government.

The undersigned feels most happy when he has it in his power to communicate to M. Aranda any intelligence that may be agreeable to the Venezuelan Government, and he avails himself of this opportunity to renew to M. Aranda the assurance of his high consideration.

DANIEL F. O'LEARY.

His Excellency M. Aranda, etc., etc., etc.

Dr. Fortique, Venezuelan Minister at London, to Lord Aberdeen, Chief Secretary of State for Foreign Affairs of H. B. M.'s Government, January 31, 1844.

[Translation.]

Her Majesty's Government being desirous to learn which were the limits of English Guiana, ordered a map to be drawn. These instructions were carried out in a manner that caused the Government of Venezuela to complain of the conduct of the Commissioner, as he entered into Venezuelan territory and therein erected, at his will, posts and tents that were subsequently removed by the express order of Her Majesty's Government. Since that occurrence, the undersigned, Minister Plenipotentiary of the Republic of Venezuela, has not ceased to urge the Count of Aberdeen, Prime Secretary of State of Her Majesty in the Department of Foreign Affairs, to commence without delay negotiations for a treaty fixing definitely the boundry line that shall divide the two countries. Although it was undoubtedly the duty of the one who promoted this question to take the first steps toward the negotiation of the

treaty, the undersigned being well aware that other important matters claim the attention of Her Majesty's Government, and as he ought not to wait indefinitely, hastens to propose an agreement which, if left for a later date, may be difficult to conclude. It cannot be expected, however, that in a communication of this character he should undertake to justify the rights of the Republic, and even absolute silence on this question would be excusable; but his confidence in the good faith, conciliatory spirit, and the sentiments of justice of Her Majesty's Government is so complete that, in the belief that they may lead to an amicable settlement of the question, he has decided to make a few remarks on the subject.

No one has ever denied to Spain her rights as discoverer and first occupant of the New World. All nations have, directly or indirectly, recognized such rights, and it would be lengthy and unnecessary to enumerate here the facts that go to prove this. Upon this being understood, it may not be amiss to recall the fact that the coasts of the territory in question were the very same that Columbus saw when he first discovered the American Continent; that it was here where Alonzo de Ojeda began his discovery and conquest of Venezuela; that this was the same land the government of which was ceded to Diego de Ordaz by the Emperor Charles V., and that which in the early part of the sixteenth century was courageously explored by this same Ordaz, and by Herrera, Ortal, Cedenó, and others. It is also pertinent to recall that the occupancy of this land followed soon after its discovery, and with its occupancy a decided intention to retain possession of it; then also followed the founding of towns, the sending of missionaries, and the civilization of the Indians based upon the gospel. This shows why, in 1579, the enemies of Spain found towns to destroy and priests to persecute, as the effects of the war that alternately divided the nations of Europe were disastrously felt in those far-off regions, where invasions, attacks, and conflagrations were of frequent occurrence. The very rights that no one could dispute with Spain excited both envy and vengeance.

But the sufferings of Spanish Guiana cannot be exclusively attributed to war. The report of the gold that was supposed

to exist in this section, its rich woods, its tobacco, and the facilities for enslaving the natives, excited cupidity, and several expeditions were formed. For the present, it will suffice to cite, among others, the famous one of Sir Walter Raleigh, in which the city of Santo Tomás was destroyed for the second time, not a trace remaining of it. The sad recollection of this fact is presented here simply to prove, even with the testimony of an old English traveler, that the Spaniards were in possession then of the Orinoco and of all its contiguous territory, that they already occupied the rivers Barima, Moroco, and Pumaron, that their domain extended to the Essequibo, and that, according to the document which he found in possession of Governor Antonio Berrio, formal possession of that territory was again taken in the name of the King of Spain, on the 23d day of April, 1593.

Were it desirable to quote other testimony even less liable to objection to prove the exclusive possession of the Spaniards in these lands, previous to the treaty of Münster, that of Juan de Laet might be added. He was a Dutchman, a member of the Leyden University, who, about this time, undertook to write about the prowess of his countrymen in South America, as well as of that of the English and Spaniards; and if he assumes that the Dutch were occupants of certain points on the Amazon, he also agrees with Sir Walter Raleigh in regard to the Spanish occupancy of the Orinoco, Moroco, and Pumaron.

The treaty of Münster has been mentioned because all know that in it was expressly stipulated that whatever territory the contracting parties were possessed of at that date was to be retained, both of the contracting parties agreeing not to encroach upon any territory occupied by the other party. It follows then that the Dutch, not being possessors of any territory in Guiana, at least on the opposite side of the Essequibo, they could not trespass upon that line without violating an express agreement, not to mention the violation of Spain's right as discoverer and first occupant. But there exist besides authentic documents, signed by the kings of Spain, in which the territory of the Province of Guiana is extended to the Amazon. It must be inferred from this that, in the belief of said

sovereigns, with the exception of what the Dutch had taken from the Portuguese in Brazil, nothing less belonged to Spain (A. D. 1750). In a public treaty Spain and Portugal reciprocally guarantee their respective possessions in South America, and agree to aid and to support each other until they remain in peaceable enjoyment of their domains, this obligation, on the part of Portugal, extending from the Amazon or Marañon to the borders of the Orinoco on both sides.

There also exists a royal decree which establishes (March 5, 1768,) the limits of Spanish Guiana and carries them to the south as far as the Amazons, extending them to the east to the Atlantic Ocean. It is not to be believed that the kings of Spain and all their ministers should make an error in so weighty a matter, nor that they should appear before all other nations as giving to themselves territories that did not belong to them.

No; the truth is, as Martens says (*Diplomatic Course*, vol. 3, page 183): "The conquests made by the Dutch in the Indies and in America during the long war of their revolt against Spain went as far as the Portuguese, then subjects to the crown of Spain. The Peace of Münster therefore took nothing away from Spain when it was stipulated, in Article 5th, that each of the contracting parties should 'retain their possessions in the East Indies and on the coasts of Asia, Africa, and America.'"

But, be this as it may, it cannot be denied that the Essequibo has been considered as the dividing line between the two possessions, either on account of difficulty in crossing it, its current being so strong that the natives called it "the brother of the Orinoco," or that the kings of Spain, being unable to control such a vast expanse of coast, reserved to themselves particularly that part lying between the Essequibo and the Orinoco, without, however, resigning the right they had to the rest of the territory. "English Guiana"—says La Condamine—"commences at the Marawine river and ends at the Essequibo; there remains for Spanish Guiana the territory lying between the Essequibo, where Dutch Guiana ends, and the Orinoco." Norie, the English geographer, author of the *Chart of the coast of Guiana*, makes the same assertion. His words are worth quoting: "British Guiana extends from the Corawine in a

northwesterly direction to the Essequibo. This was the true line of extension of the Colony as agreed upon between the Spaniards and the Dutch by the Münster Treaty in 1648, *which never since then has been revoked.*" Bellin, Engineer of the navy and of the school of charts, Royal Censor of the Naval Academy and of the Royal Society of London, a man of whose impartiality and learning it were injustice to dispute, in treating of this subject finds himself compelled to make an assertion which, as coming from an old foreign writer, bears upon this case. He says that he gives the name of Dutch Guiana to "the territory that the Dutch occupied and were possessed of" when he wrote, "not attempting, however, to decide upon the rightfulness of its possession, nor to injure in any way whatever the rights that the French or the Spaniards, their neighbors, may have upon the same land, where the Dutch have been seen increasing and extending step by step, advancing settlements as far as it has been possible for them to go."

Countless quotations could be made with the authority of the men of learning who have treated on this subject, to show that the territory lying between the Essequibo and the Orinoco has been considered by the world as the exclusive property of Spain. It will be noticed that purposely quotations have been omitted from Spanish writers, who afford the most abundant evidence in favor of Venezuela, since the undersigned, as above stated, has only undertaken to make some brief remarks and has thought it best, for the present, to make use of the words of foreign writers. Moreover, the undersigned is not ignorant of the fact that, the rights of Spain as first occupant and by the stipulations of the Münster Treaty being established, upon Her Majesty's Government would devolve the difficult task of proving that the Dutch were the rightful possessors, or that Spain approved of their encroachments; but instead of this we find that as far back as 1596, the Dutch, having undertaken to cross the Essequibo, were immediately repulsed by the Spaniards, who compelled them to retreat to the river headwaters, where it could not be said that they were tolerated, as even toward the middle and the end of the last century, particularly on the Pumaron and the Moroco, they were disturbed and attacked,

the Spaniards striving to expel them as intruders who violated an express agreement. It cannot be said that these hostilities emanated from private authority. They were, on the contrary, expeditions ordered and approved by the Kings of Spain (Royal Decree dated at Aranjuez, on the 10th of August, 1780), who cautioned those intrusted to direct these expeditions that, "should the Director or Governor-General of Essequibo complain on this account," he should be answered that they were acting in this matter "in accordance with the laws and general instructions for the proper government of the Indies, which do not countenance such intrusions of foreigners upon Spanish territory" such as this was; and that this same answer would be given in Madrid should the States-General of Holland either make any complaint or present any claims. These attacks, these orders, and solemn declarations do most certainly reject all idea of consent, on the part of the Spaniards, to the usurpations of the Dutch. Without this consent no pretensions could be made, not even to the title of prescription, which is founded upon the belief that the owner has abandoned the right he owned.

The undersigned is well aware that some modern travelers, such as Depons and Humboldt, indicate Cape Nassau, on the coast, and the Essequibo river, in the interior, as the boundary between the Spanish and the Dutch (now English) Guianas; and it was, perhaps, referring to them that the Governor of Demerara gave his opinion that "the river Pumaron, west of the Essequibo, could be taken as the boundary of the colony." (Parliamentary Papers, desp'd, September 1, 1838.) But these travelers followed Bellin's course; not pretending to decide upon the rightfulness of the Dutch possessions, and without any injury to the right of the Spaniards, they divided the territory according to the material occupation then existing. Humboldt, besides, refers to the chart of Major J. von Bouchenroeder, a Dutchman, who made it by order of the Committee on Colonies and Possessions of the Republic of Batavia, which chart was dedicated to him. It is not, therefore, Humboldt's testimony, but the testimony of a Dutch commissioner, which in reality has served as a guide to the Governor of Demerara, who

can undoubtedly be excused, as showing his desire to increase, as much as possible, the country with whose government he has been entrusted. Depons conclusively declares that "the Dutch, violating the original treaties, had erected advanced posts on the Spanish territory."

Enough has already been said in regard to this retention damaging to the rights of Spain as the first occupant and in violation of the Münster treaty, to render further insistence upon this point unnecessary. Therefore the undersigned will only recommend a very special circumstance in this effort of the Kings of Spain to defend their territory against the invasions of the Dutch, and this circumstance is that Great Britain, who succeeded the latter, agreed at Utrecht by a public treaty (A. D. 1713) to aid Spain as much as she could in the restoration of the old boundaries of its possessions in America, as they existed during the time of the Catholic King Charles II. The Dutch, themselves, acknowledged the justice of this agreement when acquainted with it, they ratified on the following year, and at the same place, the treaty of Münster. These documents would make a strange contrast with the pretensions of disputing with Spain, or her successor, the Republic of Venezuela, the territory contiguous to the Orinoco, if such pretensions should emanate from any of the sovereigns who so solemnly engaged themselves to fulfill the Treaty of Utrecht. Happily this state of affairs has not yet arrived, and probably, never will, as it is only a question of peaceable fixing, and in a conciliatory spirit, the dividing line of two friendly States, for whom the main object is the maintenance of their pleasant relations, which certainly are worth much more than the uncultivated and barren land that may be the cause of a controversy.

But, upon drawing this line the future must not be lost sight of, and such points must be selected as will allow a division to be made which will obviate all causes of further misunderstanding. There exists no doubt that the Essequibo seems to be a river purposely made by nature to fulfill this object, and as the British colonists, at present, occupy nothing, or almost nothing, of the land between this river and the Orinoco, their plantations being on the other side, a settlement of this question

upon this basis would suit the purpose, and would insure to Great Britain even the most remote rights that she may possess as the successor to Holland.

The undersigned avails himself of this opportunity to renew to the Earl of Aberdeen the assurance of his consideration and respect.

(Signed) A. FORTIQUE,

22 Wimpole street, January 31, 1844.

To the Earl of Aberdeen, etc., etc., etc.

Lord Aberdeen's Reply to the Foregoing Note.

[Retranslation.]

The undersigned, Her Majesty's Prime Secretary of State in the Department of Foreign Affairs, had the honor to receive, on the first of last month, a note from Señor Fortique, Minister Plenipotentiary of the Republic of Venezuela at this Court, calling the attention of Her Majesty's Cabinet to the question of limits between British Guiana and the Republic of Venezuela.

Mr. Fortique commences said note by recalling to the undersigned certain acts of the Commissioners appointed by Her Majesty's Government to examine the limits of the Colony, which gave rise to the complaint of the Government of Venezuela on the ground that they had invaded territory of the Republic and planted therein certain marks which, Señor Fortique observes, were immediately removed by the express order of Her Majesty's Government.

The undersigned believes that, before proceeding, he must remind Señor Fortique that Her Majesty's Government's consent to the removal of said marks must not be construed as a resignation of any of the rights that, in the future, it may be deemed proper to claim, but that it was only prompted by a friendly deference to the entreaties of the Government of Venezuela.

Señor Fortique then remarks that, although it properly belongs to the party who promoted this question to take the first steps toward its settlement, he hastens to propose an arrangement, which, if left for a later date, may be difficult to conclude,

and proceeds, therefore, to state some of the facts upon which the claims of Venezuela to a certain boundary line are based, observing, however, that it cannot be expected that in a communication he would undertake to justify the rights of the Republic, and that even absolute silence on this point would be excusable. The undersigned believes that the claims presented by Señor Fortique, and the accounts upon which he based them, may be condensed to the following :

That the American continent not only was discovered and originally occupied by subjects of the Spanish Crown, but that the territory now under discussion—that is, the country lying between the Orinoco, the Barima, Pumaron, and the Essequibo—was at a very early date explored and inhabited by the Spaniards, and that on this account became a point of attack for the enemies of Spain. Señor Fortique tries to account for these facts by referring to a concession made by the Emperor, Charles V., and by the condition in which Sir Walter Raleigh found the coasts of the territory in question, at the end of the XVIth century and beginning of the XVIIth.

That when the Münster Treaty was concluded, this country remained under the exclusive power of the Spaniards, and that the Dutch, not having at that time any possessions on the coast west of the Essequibo, they could not cross the river unless in violation of said treaty.

Señor Fortique then states that no one could deny that the Essequibo was always considered as a dividing line between the Spanish and Dutch possessions, either on account of the strong currents which made navigation difficult, or because it not being possible for Spain to control all the coast, her occupation of the territory was limited to the space lying between the Orinoco and the Essequibo. His Excellency states that he could cite countless authorities to prove that this territory has been considered by all the world as the exclusive property of Spain. Señor Fortique quotes three of these authorities, one of them the author of a modern English Treatise on Coast Navigation, in which this author has not used his own data, being compelled, on account of the character of the work, to rely on Spanish authorities; the other two are French. In conclusion, after briefly

quoting from Depons and Humboldt, whose testimony contradicts the exclusive right claimed by Venezuela, Señor Fortique says that—there being no doubt that the Essequibo is the natural limit, and as the British colonists at present occupy nothing, or next to nothing, between the Essequibo and the Orinoco—the selection of the former river as the boundary line of the colony would be a settlement of the question by which Great Britain would insure all her rights.

The undersigned thinks this a fair exposition of Venezuela's rights, as Señor Fortique has wished to describe them in his communication. But that in so presenting this right there should be a desire to promote a friendly settlement of the question, as Señor Fortique states at the beginning of his communication, would appear, without the express declaration of His Excellency, doubtful to the undersigned, who can only state the surprise of H. M.'s Government at such an exposition.

The fact that the American continent was discovered and largely occupied by Spanish subjects cannot certainly be disputed, but this does not bear directly upon the matter under discussion. Señor Fortique wished it to be understood that up to 1648 (date of the Münster Treaty) no section west of the Essequibo had been occupied by the Dutch, and that their endeavors to cross the river had been fruitless. Were this true, it would be of greater importance for the object His Excellency has in view. But the undersigned must remark that this statement is so far from being true that, according to J. de Laet (the same authority quoted by Señor Fortique), the Dutch since 1580 navigated the Orinoco river, with the object to establish themselves at such points as were not occupied by the Spaniards; and in 1581 the States-General granted to certain parties the exclusive privilege to trade with those settlements. It is also stated that, toward the end of the same century, there existed a company of merchants in Middleburgh trading on the Barima river. Be this as it may, it is certain that in 1621, a body of merchants, under the name of the West India Company, obtained from the States-General the privilege of exclusive trade with America, and of govern

ing new colonies that they might have acquired, said States reserving the right to appoint Governors. Hartsinck, the most truthful historian of Guiana, states, more than once, that the Orinoco river was the limit of the West India Company.

As Señor Fortique states, it was agreed between the Spanish Crown and the States-General by the Münster Treaty in 1648, that both of the contracting parties should retain their possession of all the points in Asia, Africa, and America, which they were occupying at that time, and including especially all the settlements of the West India Company.

In proof of the fact that such settlements extended as far as the Orinoco, a document can be seen by which the West India Company donated to the Count Fernando Casimiro de Hanau a parcel of the land they owned on the American coast, and that the Orinoco was mentioned as the western limit of said possession. This document is dated 1669, only twenty-one years after the Münster Treaty was concluded.

Prior to this, in 1657, the Dutch erected the forts of New Zealand and New Middleburgh on the Pumaron and on the Moroco.

It was at the former of these forts that in 1797, during an attack made by the Spaniards, they were completely routed by the garrison, which was composed of Dutch and English soldiers, and were compelled to seek refuge in their boats, with the loss of many lives.

In 1674 the West India Company, formed in 1621, was dissolved, but a new company was formed and authorized, restricting their rights to trade with certain parts of Africa, the Island of Curacão, and the colonies of the Essequibo and Boneverone (Pumaron), the latter extending, as above stated, as far as the Orinoco.

Pursuing the examination of the authorities, which in more modern times confirm these data, it will be found that in the History of South America by Bolt, published about the middle of the last century, Dutch Guiana is described as extending from the mouth of the Orinoco at 9° as far as the Marawaina to 6° 20' latitude north; that in a map of said coast published in 1783 by Taden, the Orinoco river is established as the

western limit of the Dutch, according to their pretensions; and that in a more recent chart published by Fefferys in 1798 the Barima river is described as being the division between the Dutch and Spanish lands. The undersigned must declare that these authorities cannot be rejected as being English, and, therefore, having an interest in this question because, although at the date of the last cited chart the Dutch colony was under the protection of Great Britain, it was restored to the Batavian Republic in 1802, and there is no reason to doubt the testimony of Taden and Bolt, or to accuse them of partiality.

It is doubtful whether the same could be said of La Condamine, Bellin, and other French writers, whose government always showed itself to be jealous of the progress of the Dutch in the neighborhood of the settlements of Cayena.

But, in reality, no doubt can exist that the mouth of the Orinoco was not only claimed by the Dutch as the western limit of their possessions, but also that, from the very beginning, they effected its military occupation and retained possession of it. Hartsinck says: "The first rivers found in Dutch Guiana coming from the Orinoco are the Barima, about one mile in width, where in olden times we had a fort." There exist documents of the West India Company showing that the directors recommended to the commander of Pumarón to keep the Barima fort in good condition. Colonel Moody found the ruins of these fortifications when in 1807 the English occupied the coast, and were preparing to send some forces to Angostura to destroy the buccaneers that were pillaging the coasts of Dutch Guiana, and also to fortify that place again. Mr. Schomburgk, when in the discharge of a commission, found the remains of the fort and also of cultivation in the neighboring territory.

The undersigned does not deem further evidence necessary to show how erroneous are the assertions of Señor Fortique when he states that the Essequibo has been considered as a dividing line between the two countries, and that the territory lying between that river and the Orinoco has been considered by the world as belonging exclusively to Spain. These

statements make the undersigned feel justified in doubting, whether Señor Fortique would be supported by his own countrymen in his views, taking into consideration that in the maps of the provinces of Venezuela published four years ago by an officer of the Republic, the extreme limits of the Venezuelan eastern claim is the Moroco river; and, in truth, to judge from the exaggerated pretensions found in this work on other points, the author is not inclined to sin on the side of generosity with respect to the neighboring British colony.

Were the undersigned inclined to act upon the spirit of Señor Fortique's communication, it is evident, by what he has said, that he ought to claim, on behalf of Great Britain as the rightful successor to Holland, all the coast from the Orinoco to the Essequibo; and such claim, aside from all question of right, would certainly be much less injurious to Venezuela than the pretensions of Señor Fortique is to England, as Venezuela has no settlements on the disputed territory, and the admission or acknowledgment of the Essequibo as the limit of the Republic would, of course, mean that Great Britain should deliver about one-half of the Colony of Demarara, including Point Cartabo and the Island of Kykoveral where the Dutch founded their first settlements on the Mazaruni, the missions of Barlika Grove, and many settlements now existing on the Arabisi coast as far as fifty miles from the capital.

But the undersigned believes that the negotiations would not be free from difficulties if the claims that cannot be sustained are presented, and shall not, therefore, follow Señor Fortique's example, but state here the concessions that Great Britain is disposed to make of her rights, prompted by a friendly consideration for Venezuela, and by her desire to avoid all cause of serious controversies between the two countries.

Being convinced that the most important object for the interests of Venezuela is the exclusive possession of the Orinoco, Her Majesty's Government is ready to yield to the Republic of Venezuela a portion of the coast sufficient to insure her the free control of the mouth of this her principal river, and to prevent its being under the control of any foreign power. With

this end in view, and being persuaded that a concession of the greatest importance has been made to Venezuela, Her Majesty's Government is disposed to lay aside its rights upon the Amacuro as the western limit of the British territory, and to consider the mouth of the Guaima river as the boundary of Her Majesty's possessions on the coast side. Moreover, Her Majesty's Government will consent that the boundary in the interior be fixed by a line from the mouth of the Moroco to the point where the rivers Barama and Guaima meet ; continuing from this point the line follows up the Barama as far as the Aunama, whose upward course will be followed until this stream approaches the point nearest the Acarabisi; then following the downward course of the Acarabisi as far as its confluence with the Cuyuni, it will pursue the upward course of the latter as far as the high lands contiguous to the Roraima mountain, where its waters are divided between the Essequibo and the river Branco.

Great Britain is, then, disposed to cede to Venezuela all the territory lying between the above mentioned line and the Amacuro river and the chain of mountains where it has its head, upon condition that the Government of Venezuela shall engage itself not to alienate any portion of said territory to any foreign power, and also upon condition that the tribes of Indians now living in said territory shall be protected against all ill-treatment and oppression.

The undersigned has the honor to renew to Señor Fortique the assurance of the highest consideration.

(Signed.) ABERDEEN.

Foreign Office, March 30, 1844.

PART IV.

*Mr. Belford Hinton Wilson, British Representative at Caracas, to
the Venezuelan Minister of Foreign Affairs.*

BRITISH LEGATION.—NUMBER 118.

CARACAS, November 18, 1850.

*Señor Vicente Lecuna, Secretary of State for Foreign Affairs of Ven-
ezuela, etc., etc., etc.*

On the 3rd of April last, the undersigned, Her Britannic Majesty's Chargé d'Affairs, had the honour of showing to Mr. Fernando Olavarría, then Secretary of State for Foreign Affairs of Venezuela, in original, a report which on the previous day the undersigned had addressed to Her Majesty's Principal Secretary of State for Foreign Affairs, stating the character and object of a propaganda of falsehood and calumny in regard to the conduct and policy of the British Government in the boundary question between Great Britain and Venezuela; and at the same time the undersigned acquainted his Lordship with the steps he had taken to contradict the rumors which were mischievously being spread in Venezuela, that Great Britain intended to claim the Province of the Venezuelan Guiana.

Those steps were to assure the Venezuelan Government that all that the propaganda had divulged on this was false, and to send to the Venezuelan Government a copy of a dispatch which on the 20th of the preceding March, he had addressed to Kenneth Mathison, British Vice-consul at Bolivar; in which dispatch, after stating what the course and conduct of Her Majesty's Government in this matter had been in reality since November, 1847, he declared formally that the intentions which, with the manifest purpose of serving the private interest of certain well-known individuals, and the political schemes of the prop-

aganda, had been imputed since 1843 to Her Majesty's Government, were not only wholly and absolutely destitute of the least foundation, but were precisely the reverse of the truth.

A copy and translation of that dispatch to Mr. Mathison were published by the Venezuelan Government in the *Official Gazette* of Venezuela N° 981 ; and under date of the 13th May last, Her Britannic Majesty approved of the conduct of the undersigned on this subject.

The undersigned begs to observe here that on the 5th of April he read in translation to His Excellency the President the above report to his Government, the original of which, as he has already said, he had shown on the 3d of that month to Mr. Olavarría, who reads English.

On the 13th of the same month of April, the undersigned thought it his duty to transmit to His Government extracts of letters which Vice-consul Mathison addressed to him from Bolivar under date of 2, 8, 18, 22 and 30 of March, saying that orders had been communicated to the authorities of the Province of Guiana to place it in a state of defense, and to repair and arm the dismantled and abandoned forts, and that Governor José Tomás Machado had spoken of raising a fort at Point Barima, the right of possession to which is in dispute between Great Britain and Venezuela.

The undersigned thought it likewise to be his duty to communicate to his Government the introduction in the House of Representatives of a bill recorded in number 62 of the *Diario de Debates* (Journal of Debates), authorizing the Executive Government to construct at once a fort on the point serving as boundary between Venezuela and British Guiana, without however naming this point, thus authorizing the Executive Government to commit *de facto* an aggression and usurpation on the territory in dispute between the two countries, by the construction of a fort on any point which Venezuela may claim, although Great Britain may also claim the lawful possession of that point.

The tone and language employed towards Great Britain in the course of the debates on this bill, which the undersigned

will not stop to characterize, left no reasonable foundation to doubt of the imminence of the danger to which British rights would be exposed in the event of the bill becoming law.

However, the undersigned made known with pleasure to his Government the friendly assurances which he received from His Excellency the President and the judicious conduct the latter observed in fact, and likewise that the bill has not yet become a law.

But in relation to the existence of a propaganda to mislead and excite public opinion in Venezuela concerning the boundary question between British Guiana and Venezuela, and the consequent possibility of aggressions and usurpations on the part of the authorities of Venezuelan Guiana on the territory in dispute between the two countries, Viscount Palmerston, under date of June 15th, transmitted to the undersigned for his knowledge and guidance a letter which His Lordship has addressed to the Lords Commissioners of the Admiralty, notifying to them the Queen's injunctions in regard to the orders to be given to the Vice-Admiral commanding Her Majesty's naval forces in the West Indies, as to the course he is to pursue if the Venezuelan authorities construct fortifications in the territory in dispute between Great Britain and Venezuela.

The undersigned has also been instructed to call the serious attention of the President and Government of Venezuela to this question, and to declare that while on the one hand Her Majesty's Government have no intention to occupy, or encroach upon, the territory in dispute, on the other hand they will not see with indifference the aggressions of Venezuela upon that territory.

The undersigned has been instructed furthermore to say that under these circumstances Her Majesty's Government expect that positive instructions will be sent to the Venezuelan authorities in Guiana to refrain from taking measures which the British authorities might justly regard as aggressive; for such measures, if taken, would forcibly lead to a collision which Her Majesty's Government would deeply regret, but for the consequences of which, whatever they might be, Her Majesty's

Government would hold the Government of Venezuela entirely responsible.

The Venezuelan Government, in justice to Great Britain cannot mistrust for a moment the sincerity of the formal declaration which is now made in the name and by the express order of Her Majesty's Government, that Great Britain has no intention to occupy, or encroach upon, the territory in dispute; therefore, the Venezuelan Government, in an equal spirit of good faith and friendship, cannot refuse to make a similar declaration to Her Majesty's Government, namely, that Venezuela herself has no intention to occupy, or encroach upon, the territory in dispute.

The systematic perseverance with which since 1843 the propaganda has fabricated and circulated false rumors in regard to the conduct and policy of Her Majesty's Government in what concerns the Venezuelan Guiana, among other mischievous effects, has produced that of serving the ends of that propaganda, and keeping alive an insane spirit of distrust and puerile credulity as to all the frivolous rumors respecting this boundary question, thus exposing the amicable relations between Great Britain and Venezuela to be at any moment interrupted, by a collision between both countries arising out of any sudden and perhaps unauthorized aggression on the part of the local authorities of Venezuela, whether committed by constructing forts, or by occupying and encroaching upon the territory in dispute.

Her Majesty's Government, as above stated, will not order or sanction such occupations or encroachments on the part of the British authorities; and if at any time there should be any error about their determination in this respect, the undersigned is persuaded that they would willingly renew their orders on the subject : he is then satisfied that, in accordance with the friendly suggestions of Her Majesty's Government, the Government of Venezuela will not hesitate to send to the Venezuelan authorities positive orders to refrain from taking measures which the British authorities may justly consider as aggressions.

On the 14th and 15th ultimo the undersigned communicated privately to Mr. Vicente Lecuna and to His Excellency the President the instructions which Viscount Palmerston had given him, and then he explained fully the friendly considerations which had prompted him not to communicate their contents to the Venezuelan Government when he received them on the 18th of last July, and to continue to put off their formal communication in writing till a fitting opportunity presented itself.

It seems that both His Excellency the President and Mr. Lecuna appreciated in all its value the friendliness of this proceeding.

However, being of the opinion, agreed upon in the interviews which he held with Mr. Lecuna on the 15th and 16th instant, that the opportune moment for making that communication has arrived, he has lost no time to state those instructions in this note.

The undersigned avails himself of this occasion to renew to Mr. Lecuna the assurances of his distinguished consideration.

(Signed) BELFORD HINTON WILSON.

Reply to the foregoing by Señor Vicente Lecuna, Venezuelan Minister of Foreign Affairs:

[Translation.]

REPUBLIC OF VENEZUELA.
DEPARTMENT OF FOREIGN AFFAIRS.

CARACAS, December 20th, 1850.

The undersigned, Secretary for Foreign Affairs of Venezuela has had the honor of receiving and presenting to the Executive power the note of the Chargé d'Affaires of H. B. M., dated on the 18th ultimo, the object of which is to contradict the rumors which have spread in Venezuela with reference to Great Britain's intention of taking possession of Venezuelan Guiana, stating the steps which he has taken to that effect, and of which he has advised the Government; declaring, in the name of his Government, that the latter has no intention what-

ever of occupying or encroaching upon the territory in dispute between the two countries, and he requests a similar declaration from the Venezuelan Government, asking them to instruct their authorities in Guiana not to take any measures which might be justly considered as aggressive by the British authorities, and stating the reasons that had induced him to delay making this communication.

The undersigned has been instructed by His Excellency the President of the Republic to give the following answer: The Government never could be persuaded that Great Britain, in contempt of the negotiation opened on the subject and the alleged rights in the question of limits pending between the two countries, would want to use force in order to occupy the land that each side claims: much less after Mr. Wilson's repeated assurance, which the Executive power believes to have been most sincere, that those imputations had no foundation whatever, being on the contrary quite the reverse of the truth. Fully confident of this, and fortified by the protest embodied in the note referred to, the Government has no difficulty in declaring, as they do declare, that Venezuela has no intention of occupying or encroaching upon any portion of the territory, the possession of which is in controversy; neither will she look with indifference upon a contrary proceeding on the part of Great Britain. They will furthermore instruct the authorities of Guiana to refrain from taking any steps which might clash with the engagement hereby made by the Government, and might give rise to fatal consequences, as Mr. Wilson affirms has been done, and in case of need will be willingly done again with regard to the authorities in British Guiana. In conclusion, I may add that the Government fully appreciates the motives which have led Mr. Wilson to abstain from at once carrying out the instructions which he has received on the subject.

The undersigned seizes this opportunity to renew to Mr. Wilson the assurances of his distinguished consideration.

(Signed) VICENTE LECUNA.

To Mr. Belford Hinton Wilson, H. B. M. Chargé d'Affaires, etc., etc.

PART V.

Dr. Calcaño to Earl Derby.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS.

CARACAS, November 14, 1876.

The undersigned, Secretary of Foreign Affairs of the United States of Venezuela, has been instructed by the President of the Republic, to communicate with His Excellency, the Earl of Derby, Her Britannic Majesty's Prime Minister and Secretary of State for the Department of Foreign Affairs, and to set forth to His Excellency the rights of the Republic in the now pending question of boundaries between Venezuelan Guiana and British Guiana. The undersigned hastens to carry out said instructions, first stating to His Excellency, the Earl of Derby, that the President of Venezuela is impelled to no longer delay the negotiations he to-day initiates, both by his zeal for the interests of the Nation and by his confidence in the cordial feelings of friendship of Great Britain, and the favorable inclination of His Excellency to preserve unaltered the harmonious relations now existing between the two countries; the President being confident that, in view of these feelings, a prompt settlement of these questions will be arrived at which it is urgent to solve in a satisfactory manner, so as not to leave exposed to dangerous contingencies in the future, the peace which has so far been happily preserved through the sincere friendship of the two nations.

From the year 1841 to 1844, the Government had already undertaken the interesting task of amicably settling the limits between Venezuela and the British possessions in Guiana, which negotiations had their origin in the fact of the invasion of the Venezuelan territory by the British Commissioner, Mr. Schomburgk, who set up posts, placed monograms, and hoisted the

British flag upon the dominion of the Republic, when he had only been commissioned to make scientific explorations in order to ascertain the limits of British Guiana. Prompted by the feelings of justice which distinguish Her Majesty's Government, upon the protestation of Venezuela, they ordered the removal of the posts and other marks which had so justly alarmed the Venezuelan people. The necessity was understood then of guarding against ulterior difficulties by means of a final treaty on limits, the negotiations for which were unfortunately not completed at the time, owing to the regrettable demise of the Venezuelan Plenipotentiary in London, Doctor Alejo Fortique.

It is with the purpose of resuming those negotiations, and being naturally convinced of the favorable inclinations of Her British Majesty's Government, since it was the originator of the question at the time referred to by the undersigned, that the President of the Republic has instructed this Department to make the following statements to that so ably conducted by His Excellency.

The right of Spain over the territory of America which she had discovered and occupied before any other power, was always indisputably recognized by all the nations of the world. These are titles which have been universally accepted as proof of dominion, and they are at least equally as effectual as those that may be considered by International Law as the best. Thus it is, that there never was an instance of a voice having been raised to discuss Spain's rights over these regions; on the contrary, they were sanctioned by the recognition, express on the part of some and tacit on the part of others, and in their favor she might even allege the bull of Pope Alexander VI., which, being at the time decidedly significant, to-day implies at least a new and valuable recognition. And if, in applying these reasons of the Spanish dominion over the whole American territory, to the coasts of Guiana, which are the subject of this question, the notable circumstance is borne in mind, that said coasts were the very first that Columbus struck on the American Continent; that it was there that Alonzo de Ojeda

commenced the discovery and the conquest of Venezuela ; that it was the government of these lands that was given to Diego de Ordaz by the Emperor Charles V., and that they were the object of the expeditions of the aforesaid Ordaz, and of Herrera, Hortal, Cedeno, and other Spaniards, there is no possible hesitation in acknowledging the rights which Spain had at the time over those vast regions, and which Venezuela to-day has as her legitimate successor.

The spirit of hostility against Spain, which prevailed among her enemies who were engaged in the European wars of that period, combined with the covetousness which was awakened by the narratives that were made of the immense auriferous wealth of the new continent, were the causes of the attacks against and the invasion of these regions, which were assaulted, burnt up, and possessed *de facto* by those who had no other character than that of spoliators against all recognized principles, and who did not even have in their favor the tolerance of Spain, who was compelled to drive them away more than once, destroying their intrusive establishments, in so far as she was permitted to do so by the grave affairs which occupied her attention in Europe. Thus it was that in 1595 she drove the Dutch away from the Essequibo, and that in 1665 the inhabitants of the second city of Santo Tomás, aided by those of the province of Caracas, drove away from that city the same Dutchmen who had succeeded in surprising them, aided by their allies the Caribbean and the Araucan Indians.

Spain, however, enforced her right as discoverer and first occupant, by founding towns and establishing missions, in order to civilize the natives and to preach the Gospel to them. It may be remarked here that England herself concluded several treaties with Spain, by which she tacitly recognized those rights, and even bound herself in 1713 and 1721 to maintain Spain in the possession of the territories that she owned in the time of Charles II., and which were none others than the greater part of the New Continent.

If the whole of the American territory was not under the dominion of Spain at the time when the treaty of Münster was

concluded, it was not because the invasions effected and the establishments founded in some parts of it by other European nations deprived H. C. M. of his rights, but because Spain sanctioned that proprietorship which they assumed, by treaties in which she expressly renounced her own.

The original right of Spain to the whole American territory being based upon such solid grounds, it is the duty of any one contesting any part of it, to produce authentic proof of his supervening proprietorship, which would establish an exception to what is general.

At all events, Venezuela, who is the legitimate successor to all the rights of Spain over the regions of Guiana, as England is the successor of Holland to the Cape of Good Hope, Essequibo, Berbice and Demerara, by the treaty of London and Paris of 13th of August, 1814, has the right to call hers the possessions which Holland, the constituent of Great Britain, had recognized as the latter's property by the treaty of Münster concluded in 1648, and which England bound herself to leave integrally to Spain by article 8 of the treaty of Utrecht, which these two nations concluded on the 13th of July, 1713, as neither could cede to England what was not hers and she knew not to be hers; nor can it be supposed, without giving an offense, of which Venezuela is incapable, that the grave and honorable English nation can in any manner or at any time break her word and infringe the duty imposed upon her by her stipulations.

By the treaty of Münster, cited in the first place, by which Philip IV. recognized the freedom, the independence, and the sovereignty of the United Provinces and renounced all his rights over them, it was agreed that the contracting parties should remain in possession of the countries, strongholds, settlements, etc., which they occupied in the East and the West Indies; that the Spaniards should enjoy the privileges which they possessed in the East Indies without being allowed to exceed them, and that the subjects of the States-General should refrain from visiting the places where the Castilians were established. That the Spaniards and the subjects of the

United Provinces, respectively, might not navigate nor trade in the bays, ports, or places having fortresses, lodgings, and castles, and generally in any place which either party might possess in the West Indies. Such is the context of articles 5 and 6.

The express tenor of article 8 of the treaty of Utrecht, cited in the second place, is as follows:

“And in order that the navigation and commerce of the West Indies shall be more firmly and amply established, it has been agreed that neither the Catholic King nor his heirs can either sell, cede, mortgage, or transfer to the French, or to any other nation, any lands, dominions, or territories of America, or any part thereof, or alienate it from themselves or from the Crown of Spain. And on her side, in order that the dominions of Spanish-America be preserved in a greater entirety, the Queen of Great Britain promises that she will ask from and give assistance to the Spaniards, in order to re-establish and fix the former limits of their dominions in America as they were in the time of the aforesaid Catholic King Charles II. should they in any manner or under any pretext have undergone any dismemberment after the death of the aforesaid Catholic King Charles II.”

• Now, the limits, as far as to where the possessions of Holland in the territory of Guiana extended in 1648, the date of the treaty of Münster, are the only ones which this nation could have transferred to England, because, after that date, the Dutch dominions in the American territory were not extended by any concession, sale, or recognition of any kind on the part of Spain. And the limits which belonged to Spain at the time of the death of King Charles II., which occurred in 1700, are the same which England bound herself to leave integrally to her, and even to aid her in recovering them, should they have undergone any dismemberment.

What then were their limits? This is the most important point to investigate in order to fully illustrate the matter and to definitively fix the respective rights of both countries in this question.

The undersigned will not stop to enlarge on the merits of the respectable testimony of Herrera, the famous chronicler of Spain and India, whose decades were written during the reign of Philip V., nor on that of Father Pedro Murillo Velarde, who wrote in 1752; these authors, agreeing with others of the period, unanimously attribute to Spain the proprietorship of the whole of Guiana; nor on that of the public treaty concluded between Spain and Portugal, by which both nations bound themselves to aid and assist each other until they should be left in the peaceful possession of their dominions in South America, the obligation of Portugal extending from the Amazon or Marañon to the banks of the Orinoco river on both sides; nor on that of the Royal Decree issued at Aranjuez on the 8th of March, 1768, in which, recalling the original limits of Spanish Guiana, it is stated that they extended as far as the Amazon on the South and on the East as far as the Atlantic Ocean. The undersigned, prompted by the cordial desire of the President of the Republic to place the question on the most favorable footing for Great Britain within the circle of the rights of Venezuela, and in order that the amicable settlement to which he aspires be more propitious to her without impairing the evident justice of the claims of the Republic, confines himself to quotations from authorities which most restrict our dominion in the region of Guiana, provided that they are in any reasonable or serious manner deserving of attention.

Observing this line of conduct, we find that all the documents and citations of that kind, which are the least favorable to the rights of Venezuela, fix, as the most advanced limit of the Dutch possessions, the river Essequibo, which separated Venezuela from the Dutch possessions in Guiana. The maps published in England, in France, and in Spain, the opinions of geographers and historians, and the official acts of the government of the Peninsula, all prove the truth of this statement.

The learned La Condamine writes: "Dutch Guiana commences at the river Marawine and ends at the Essequibo; to Spanish Guiana is left the country comprised between the Essequibo, where the Dutch colony ends, and the Orinoco."

J. W. Norie, an English geographer, in his *Chart of the Coast of Guiana* printed in London in the year 1828, expresses himself in the following terms:

"British Guiana extends from the river Courani towards the northwest as far as the Essequibo." And he adds: "This was the true extent of the colony, which was settled between the Spaniards and the Dutch by the treaty of Münster, 1648, *which has never since been abrogated*; but the English and Dutch owners of plantations having formed establishments north of these limits and established themselves on the banks of the Poumaron and beyond Cape Nassau, the limits claimed by the English extend now as far as the meridian of *Cape Barima*, though this, in reality, constitutes what should be called Spanish or Colombian Guiana."

Father Caulin, in his "Chorographical History of New Andalusia," Book 3, chap. 31, corroborates the assertion of Norie in the following words: "The Dutch possessed themselves of the river Essequibo, established colonies, and founded towns and plantations, at the same time that they carried on an unlawful trade, until they were driven away from there in 1595; but they returned later, *spreading themselves upon the Spanish territory*, until they founded New Middleburg on the river Poumaron."

J. de Alcalá, in his Manual of Geography printed in London in 1837, states, even at that date and referring to British Guiana, that "on the shores of the Essequibo is the establishment of the same name belonging to England."

The Columbian historian, José Maria Restrepo, in explaining the atlas which accompanies his History of the Revolution of the Republic of Colombia, employs the following significant words: "Those (the limits) of the British Guiana to-day have been marked in accordance with the possessions formerly held by Spain as far as the Essequibo river, which are marked in the best maps published in England itself."

The following quotation of Reynal, in his Philosophical History of the Two Indies, vol. 6, book 12, No. 95, pages 282 and following, Paris edition of 1820, is worthy of special attention:

"The colony of Essequibo, situated near the river of the

same name, is distant twenty leagues from that of Berbice. It was here that the Dutch first established themselves when, like other Europeans, they flocked to Guiana at the close of the sixteenth century, in the hope of finding gold. It is not known at what time they established themselves at Essequibo, although it has been proved that the Spaniards drove them away from there in 1595. They returned, but were again driven away by the English in 1666. This establishment was an unimportant one, and in 1740, after it was retaken, its products scarcely constituted the cargo of a ship. Two or three years later some colonists of Essequibo fixed their eyes upon the neighboring shores of *Demerara*, which turned out to be very fertile, and this discovery was followed by very favorable consequences. After a time work was suspended at Surinam on account of the sanguinary and ruinous war which they had to wage against the negroes who had taken refuge in the woods. Berbice was at the same time perturbed by the rebellion of the slaves. This was the origin of the three colonies which the Dutch successfully established in Guiana."

From this historical statement of Reynal it may be seen that in 1648, the date of the treaty of Münster, the Dutch had been driven away, even from the Essequibo, and that it was two years after 1740, that is to say, forty-two years after the death of King Charles II., that some colonists of the Essequibo fixed their attention upon the neighboring shores of Demerara.

"I do not believe," says Mr. Dauxion-Lavaysse, "that there is in the world a country healthier, better watered, more fertile, and more agreeable to live in than the one situated, on one side, between the Essequibo, and on the other, between the Caroni and Orinoco. This country, *which forms a considerable part of Spanish Guiana*, measures more than forty-five leagues from north to south, and seventy from east to west, and its extent forms one-sixth of this Guiana."

It was in this country that Spain established her numerous missions, which, according to the testimony of all the historians who have concerned themselves with the work of the Franciscan Fathers, and to the demarcations contained in the

royal decree regarding the creation of missions, embraced at Rio Negro an extent of more than fifty leagues; while the Capuchin Fathers occupied the space situated between the Orinoco and Cape Nassau, and between the sea and the river Caroni; extending from the eastern shores of the latter and of the Paraguay to the banks of the Imataca, of the Cumuru, and of the Cuyuni. On the southwest they bordered upon Dutch Guiana, or *Colony of Essequibo*, this river being the dividing line on the south, together with the deserted shores of the Paraguay and Paraguari, and crossing the Pacaraima chain, with the Portuguese colonies of the Rio Branco.

On this point, the resistance which was continually made by the Government of the Spanish Peninsula against the invasions of the Dutch on the western shore of the Essequibo, long after the treaty of Münster, is a decisive proof. This may be seen in the instructions which the Intendant of Caracas, Don José de Abalos, issued on the 4th of February, 1779, by which he established rules for the populating of the Province of Guiana, with the object of insuring the limits of that territory. Article 2 of said instructions is as follows: "The aforesaid Colony of Essequibo and others, which the States-General possess on that coast, are generally all in the neighborhood of the sea, not reaching far into the interior of the country, and for that reason the land situated at the back of the Essequibo and of the Dutch colonies on the east as far as French Guiana, and on the south as far as the river Amazon, are free of a portion of them, and occupied only by gentile Indians and a large number of runaway negroes, slaves of the Dutch, and also of the plantations of French Guiana. The commissioners shall endeavor, therefore, to occupy said lands, as being the property of Spain, the first discoverer thereof, and not having been ceded since to, nor being now occupied by, any other power, none having any right thereto; they shall advance in the occupation on the eastern part as far as possible until they reach French Guiana, and extending it also as far as possible on the southern side, until they reach the boundaries of the crown of Portugal." Article 4 of the instructions says: "It would be very

convenient if the aforesaid occupation of lands and the populating thereof commenced at the back of the Dutch establishments in the neighborhood of French Guiana, and more especially of the rivers which have been named Oyapok and Aprozak." This part of the instructions which have been here reproduced was further enforced by the confirmation they received through a royal decree dated 13th of April, 1779.

The conviction of the Government of the Peninsula is still more explicit, if possible, regarding its dominion over the territory comprised between the Orinoco and the Essequibo, and its constant resistance is more energetic against the attempted invasion of the Dutch in the secret royal decree of 1st of October, 1780, by which the officer of the Spanish navy, Don José Felipe de Inciarte, was commissioned to attack a fort which the Dutch had dared to erect on the shores of the river Moruca (Moroco), at a distance of from two and one-half to three leagues from Caño Moracabuco, on the northeast quarter east, which had been denounced on the preceding year by Inciarte himself. On giving him his instructions, the minister, Don José Galvez, wrote the following words in the royal decree: "It being understood that if the Director-General or Governor of Essequibo should complain, answer shall be given that these proceedings are taken in conformity with the general laws and instructions given for the better government of our Indies, which do not allow of such intrusion of foreigners upon the Spanish dominions, such as they are; which same answer shall be given here if the States-General of Holland should make any complaint or claim."

Thus far I have developed the strict, authentic, and indisputable demonstration, not only of the right, but of the act by which Spain legitimately possessed, as sole sovereign and up to 1779, all the territories extending from the Orinoco to the river Essequibo; and if, as the undersigned has stated above, it sufficed to know which were the Spanish possessions that Holland, the constituent of Great Britain, recognized as the property of the Peninsula, the proof has been more than

sufficient since it has been brought to one and one-third centuries later.

And if the Essequibo was still the limit between the dominions of both nations in 1779, it was so, with more reason, in 1648, and it is evident that it was also in 1700, the year of the death of Charles II., to which the obligation of Great Britain refers, which she contracted in the treaty of 1713, to which the undersigned has referred.

But there is something more decisive, of an insurmountable probatory force, as being taken from the mutual testimony of both parties, of Spain and of Holland, in the convention which they signed at Aranjuez on the 23d of June, 1791, to mutually return to each other the deserters and runaways from their respective American colonies. Its article 1st is of the following tenor:

“The reciprocal restitution of white or black runaways is established between all the Spanish possessions in America and the Dutch colonies, especially between those in which the complaints of desertion have been more frequent, to wit: between Porto-Rico and Saint Eustace, Coro and Curacão, the Spanish establishments on the Orinoco and Essequibo, Demarara, Berbice and Surinam.” By which it is clearly expressed that, as *Porto-Rico* is Spanish and *Saint Eustace* Dutch, *Coro* Spanish and *Curacão* Dutch, so are all the territories as far as the Orinoco Spanish. How far? As far as the other extremity which designates what is Dutch, to wit, as far as the *Essequibo*, *Berbice*, and *Surinam*. Here we have it established by Holland herself that her limits with Spain did not reach to the west, only as far as the river Essequibo, which has been mentioned so often. And if this was still true one hundred and forty-three years later, was it not more so one hundred and forty-three years before; that is to say, on the date of the treaty of Münster, and also nearly one century before, at the date of the death of Charles II. ?

Any posterior occupation of a territory, which has not respected this right, would be an infringement of all laws and carried out in manifest violation of the treaties made in good

faith by the nations, guarded by the honor itself of the countries which made them and which constitute the most obligatory law recognized in all their acts and relations by the governments of the civilized world. Usurpations of this kind, far from serving as a subject for an argument of prescription which would be untenable and absurd, firstly, because it is not admitted among nations, and, secondly, because even in civil law it would lack all the conditions required by its validity, would, on the contrary, present a fertile subject for claims against serious offenses, or at least for complaints, fully justified to which it is not prudent to give rise when friendship is sincere and the desired harmony exists.

This solid ground, upon which Venezuela bases her right to place the limits of her possessions at the mouth of the river Essequibo, and the well-founded confidence of the President of the Republic in the austere feeling of justice which is characteristic of the Government of H. M. the Queen of Great Britain, lead him to hope that the solution of this question, which has been delayed for so many years, will be the work of a most prompt and cordial settlement.

The undersigned avails himself of this opportunity to assure His Excellency, the Earl of Derby, of his highest consideration.

EDUARDO CALCANO.

To His Excellency the Earl of Derby, H. B. Majesty's Prime Minister and Secretary of State in the Department of Foreign Affairs.

PART VI.

Lord Salisbury to Dr. Rojas.

FOREIGN OFFICE, January 10, 1880.

Monsieur le Ministre :

With reference to my letters of the 2d and 4th of June last, I have the honor to state that Her Majesty's Government have had under their consideration your two letters of the 19th of May, one relating to the boundary between Venezuela and British Guiana, the other to the claim put forward by Venezuela to the Island of Patos, which is held by Great Britain as a dependency of the Colony of Trinidad.

With regard to the first of these questions, I have the honor to state that Her Majesty's Government are of opinion that to argue the matter on the ground of strict right would involve so many intricate questions connected with the original discovery and settlement of the country, and subsequent conquests, cessions, and treaties, that it would be very unlikely to lead to a satisfactory solution of the question ; and Her Majesty's Government would therefore prefer the alternative course suggested by you of endeavoring to come to an agreement with the Government of Venezuela as to the acceptance by the two Governments of a frontier of accommodation, which shall satisfy the respective interests of the two countries.

The boundary which Her Majesty's Government claim, in virtue of ancient treaties with the aboriginal tribes and of subsequent cessions from Holland, commences at a point at the mouth of the Orinoco westward of Point Barima, proceeds thence in a southerly direction to the Imataca mountains, the line of which it follows to the northwest, passing from them by the highlands of Santa Maria, just south of the town of Upata, until it strikes a range of hills on the eastern bank of the Caroni River, following these southwards until it strikes the great backbone of the Guiana district, the Roraima moun-

tains of British Guiana, and thence still southward to the Pacaraima mountains.

On the other hand, His Excellency General Guzmán Blanco, President of the Republic of Venezuela, in his Message to the National Congress of February 20, 1877, put forward a claim on the part of Venezuela to the River Essequibo as the boundary to which the Republic was justly entitled—a boundary, I may observe, which would involve the surrender of a province now inhabited by 40,000 British subjects and which has been in the uninterrupted possession of Holland and Great Britain successively for two centuries.

The difference therefore between these two claims, Monsieur le Ministre, is so great that it is clear that, in order to arrive at a satisfactory arrangement, each party must be prepared to make very considerable concessions to the other; and although the claim of Venezuela to the Essequibo River boundary could not under any circumstances be entertained, I beg leave to assure you that Her Majesty's Government are anxious to meet the Venezuelan Government in a spirit of conciliation, and would be willing, in the event of a renewal of negotiations for the general settlement of boundaries, to waive a portion of what they consider to be their strict rights, if Venezuela is really disposed to make corresponding concessions on her part.

Her Majesty's Government will therefore be glad to receive and will undertake to consider in the most friendly spirit any proposal that the Venezuelan Government may think fit to make for the establishment of a boundary satisfactory to both nations.

As regards the question to which your second letter relates, Monsieur le Ministre, I have the honor to state that in view of the fact that the Island of Patos has been held by Great Britain as a dependency of the Colony of Trinidad since 1797 and that the British title to it was not questioned by Venezuela until 1859, Her Majesty's Government consider that apart from all other grounds, so long a term of undisputed possession confers upon Great Britain an indefeasible title to the island.

I have the honor to be with the highest consideration
Monsieur le Ministre,

Your most obedient humble servant,

Señor de Rojas.

SALISBURY.

Same to Same.

FOREIGN OFFICE, April 23, 1880.

Monsieur le Ministre:

I have the honor to acknowledge the receipt of your letter of the 12th instant upon the subject of the boundary between Venezuela and British Guiana, and also of your letter of the 14th ultimo, relative to the claim of Venezuela to the Island of Patos.

In reply I beg leave to state that the Attorney-General for the Colony of British Guiana is shortly expected in this country, and that Her Majesty's Government would prefer to postpone the discussion of these questions until the arrival of that officer.

I have the honor to be with the highest consideration, Monsieur le Ministre,

Your most obedient humble servant,

SALISBURY.

Señor Don J. M. de Rojas, etc., etc.

Dr. Rojas to Earl Granville.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA.

PARIS, September 27, 1880.

37 Rue de la Bienfaisance.

My Lord:

Your Excellency's predecessor, under date of April 23d ultimo, did me the honor to inform me that in order to solve the question of boundaries between the two Guianas and also the one relative to the Island of Patos, Her Britannic Majesty's Government were expecting the arrival at London of the Attorney-General for the British Colony, who was to come in a few days. Five months having elapsed, and as your Excel-

lency has not honored me with any communication upon these subjects, I must suppose that said Attorney-General has not realized his intended voyage, and this being the case, it would be useless to wait for him any longer.

I deem it conducive to remind Your Lordship that on the 24th of March, 1877, the Honorable Lord Derby, your Excellency's predecessor, informed me that as the arrival of the Governor of the British Colony was expected about that time, Her Majesty's Government then preferred to postpone the adjustment of these questions until the arrival of said official, who, it seems, never came, as no communication informing me of his arrival there was ever sent me, as promised.

It will be more judicious, therefore, not to wait any longer, either for the Governor or for the Attorney-General for the Colony, and to adjust these questions between ourselves, taking into consideration the fact that my Government at the present time is engaged in the preparation of an official map of the Republic and wishes, as is but natural, to fix the eastern limits of the country.

In my communication of the 12th of April last, I informed Your Excellency that my Government was disposed to accept, on the basis of an amicable compromise, the mouth of the Moroco river as the limit of the coast. If Her Majesty's Government accepts this starting point, it would be very easy to determine the general direction or course of the frontier, either through the means of a correspondence or by verbal intercourse, as Your Excellency may prefer.

In reference to the Island of Patos, I must hope that my communication of the 14th of April last will have convinced Your Excellency of the necessity of submitting this matter to the decision of an arbitrator, and upon this ground I take the liberty to ask Your Excellency whether the appointment of the arbitrator can now be made.

I have the honor to subscribe myself, Your Excellency, with sentiments of the highest consideration,

My Lord, your humble and obedient servant,

(Signed) J. M. DE ROJAS.

To His Excellency the Earl of Granville, etc., etc., etc.

Earl Granville to Dr. Rojas.

FOREIGN OFFICE, February 12th, 1881.

Monsieur le Ministre:

Her Majesty's Government have had under their consideration the desire expressed in your letters of the 12th of April and 27th of September last to reconsider the question of the boundary between British Guiana and Venezuela, and stating that your Government would be willing to accept the mouth of the river Moroco as the boundary on the coast.

I have now the honor to inform you that Her Majesty's Government are unable to accept the mouth of the Moroco as the boundary on the coast. They would nevertheless be ready to consider any conventional boundary which the Venezuelan Government may propose, commencing at a more northerly point on the coast, and would be glad to be favored with a general indication of their views, not only on that point, but also as to the general line of frontier which in their opinion might form a basis of negotiations.

I have the honor to be with the highest consideration, Monsieur le Ministre,

Your most obedient humble servant,

GRANVILLE.

Senor Don J. M. de Rojas, etc., etc.

Dr. Rojas to Earl Granville.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA.

PARIS, February 21, 1881.

My Lord:

I have had the honor to receive Your Excellency's dispatch of 12th inst. referring to the most important question of limits between Venezuelan Guiana and British Guiana. This is a question which my Government always has been anxious to have adjusted and with which it has seriously concerned itself during the past forty-one years without, however, obtaining any practical results.

Your Excellency will permit me to make in the present communication a summary statement of the true state of the question which I am about to treat of.

This question can only be considered under two phases: Either a treaty must be concluded between the two countries fixing in a friendly and cordial manner an accommodation and mutually convenient frontier; or it must be adjusted in accordance with the principles of universal law and with the titles which each side may present. In the latter case the frontier will be a consequence of the rights which either party may establish.

Her Britannic Majesty's Government claim in the event of the latter extremity of the foregoing dilemma the following frontier, judging from the dispatch which Your Excellency was pleased to address to me on the 10th of January, 1880: The mouths of the Orinoco as a starting point west of Point Barima in a southerly direction towards the Imataca mountains, which line would continue towards the northwest passing through the high lands of Santa Maria exactly south of the city of Upata, as far as the foot of the mountains on the eastern shore of the Caroni river; continuing thence southwards until it meets the Roraima mountains in British Guiana, and thence still further south, stopping at the Pacaraima chain.

The Venezuelan Government maintains, in view of the titles, documents, and official maps and of all the proofs more or less irrefutable at law, which it will in its turn adduce, that the frontier between the two Guianas commences at the mouths of the Essequibo river, up said river as far as its confluence with the Rupumini and Rewa rivers to the eastern extremity of the Pacaraima chain, and that therefore all the immense territory to-day occupied by Her Britannic Majesty's Government within said limits belongs to Venezuela.

It was agreed between the two Governments that, in order to avoid any delay in this important question, the demarcation of an accommodation frontier satisfactory to the interests of both countries should be proceeded to. In fulfillment of this promise, I had the honor of proposing to Your Excellency

to designate the Moroco river as the starting point from the coast. The remainder of the frontier, when once said point had been fixed upon, would be a matter of secondary consideration.

When this question was seriously discussed in 1844 the Honorable Lord Aberdeen proposed to my predecessor in London the following frontier: As a starting point at the coast the mouth of the Moroco river at the point where the Barama river joins the Guaima; thence through the Barama up the river as far as Aunama in order to ascend through it to the Acarabisi, descending through the latter as far as its confluence with the Cuyuni, and up the latter river as far as the high lands of Mount Roraima, where the waters which pour into the Essequibo part from those which pour into the Rio Branco. It was therefore thirty-seven years ago that Her Majesty's Government spontaneously proposed the mouths of the Moroco as the limit on the coast, a limit which Your Excellency will not accept to-day as you are pleased to say in the dispatch to which I now have the honor to reply.

The Venezuelan Government moved by the desire to preserve unaltered the relations of cordial friendship at present happily existing between the two nations, now propose the following conciliatory frontier as a mutually convenient one in order to finally settle this question by means of a treaty; and in order to prove the sincerity of these feelings they will accept a starting point of the frontier on the coast, one mile northwards of the mouths of the Moroco. There a post shall be placed which shall indicate the true limit between the two countries on the coast. At said point a meridian of latitude shall be drawn westward until the point at which this line shall cross the longitude of sixty degrees of Greenwich and thence it shall continue southward through said meridian of longitude as far as the boundaries of both countries. This demarcation has the advantage of being precise and unalterable and is the greatest of all the concessions which the Venezuelan Government can make in this matter in order to come to a friendly understanding.

If Her British Majesty's Government do not think it convenient to accept this proposed demarcation, there is then nothing left for both Governments but resort to the determination of a strictly legal frontier. And as in case such a contingency should arise, the two Governments would be unable to come to a mutual agreement, as the titles adduced by one would be rejected by the other and each would endeavor to demonstrate the wrong of its adversary, a mutual agreement between both countries would be absolutely necessary in order to submit the decision of this important matter to arbitration or to a tribunal which would pronounce a final award. I have therefore received instructions from my Government to urge Her Britannic Majesty's Government to refer the question to an arbitrator selected by both parties and to whose decision both Governments shall submit. This same arbitrator should decide whether the Island of Patos belongs to Venezuela or to Her Britannic Majesty's Government.

In view of the importance of this matter and of the convenience for both countries to adjust it in a final manner, I beg Your Excellency to honor me with a reply as soon as possible, and meanwhile I have the honor to sign myself with highest consideration Your Excellency's most obedient, humble servant.

(Signed) J. M. DE ROJAS.

To His Excellency Earl Granville, Her British Majesty's Secretary for Foreign Affairs, London.

Earl Granville to Dr. Rojas.

FOREIGN OFFICE, September 15, 1881.

Monsieur le Ministre:

Her Majesty's Government have carefully considered the proposals contained in your letter of the 21st of February last for the settlement of the question of the boundary limits between the Colony of British Guiana and Venezuela.

In reply I have now the honor to state to you that they regret that they are unable to accept the line of demarcation indicated in that letter as a satisfactory solution of the question.

They are, however, anxious to meet the views of the Venezuelan Government fairly and with this object they are prepared to agree to the line suggested in the accompanying memorandum, which will leave to Venezuela the complete control of the mouths of the Orinoco, whilst it will furnish a convenient boundary in the interior conforming to the natural features of the country.

In proposing a line which makes so important a concession to Venezuela, Her Majesty's Government desire to explain that they must not in any way be understood as admitting that they have not a rightful claim to the line which extends to the mouths of the Orinoco, and that the proposal is only made from a sincere desire to bring to a conclusion a question which has too long remained unsettled to the detriment of the interests of both countries.

A map which has been drawn up after Schomburgk's original is enclosed herewith, showing the exact position of the boundary proposed in the accompanying memorandum; and I may observe that the whole of the line, except that portion which lies between the source of the Amacuro and the seacoast, was surveyed by Schomburgk as far back as 1837.

In conclusion, I have the honor to state that Her Majesty's Government will be happy to confer with you personally, should you think it desirable to communicate with them in that manner for the purpose of discussing the proposal contained in the memorandum which accompanies this letter.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

GRANVILLE.

Señor Don José Maria de Rojas, etc., etc.

Memorandum by Earl Granville.

Memorandum on the question of boundaries between British Guiana and Venezuela:

1. After careful consideration of the proposition made by the Venezuelan Minister for an adjustment of the boundary

between British Guiana and Venezuela, Her Majesty's Government are of opinion that the line proposed by him could not be accepted without serious injury to British Guiana.

2. They consider that the following are some of the more prominent objections which exist to a division of the territory by such a line as that suggested by Señor de Rojas: The line proposed would sever from the Colony existing settlements, and would cut off lands which have for a long series of years been held by lawful title of Dutch or British origin recognized by the Government. The acceptance of the line proposed would also involve a surrender of a larger portion of territory, to which the claim of Great Britain is unassailable, than any which can be reasonably yielded, even for the purpose of bringing this long-pending question to a close.

3. Moreover, the line proposed by Señor de Rojas offers practical difficulties, which appear to Her Majesty's Government to be insuperable. The meridian of 60° of longitude intersects, and would divide, the numerous rivers and creeks and different watersheds in a manner that would cause lasting inconvenience to both countries. It would also, they believe, be found impracticable to keep such a boundary line sufficiently marked or defined and thus, in an acute form, would be perpetuated the evils now felt. The Colonial Government would be exposed to all the special difficulties which would in consequence be created, more particularly with respect to the tribes of aboriginal Indians, who have never recognized other than British authority.

4. Further, the line proposed by Señor de Rojas would place within Venezuelan territory the outlets of that inland water system which, commencing in the center of the country of Essequibo, flows through a network of rivers and creeks to the sea, and enters the ocean by the Waini and Barima. It is by these channels that fugitives from justice are often enabled to baffle pursuit, and for the due administration of the law and repression of crime in British Guiana, it is essential that the Colonial Government should possess the control of these outlets.

5. As regards that portion of the territory which lies be-

tween the Moroco and the mouth of the Orinoco, Her Majesty's Government believe that no impartial person, after studying the records, can escape the conviction that the Barima was undoubtedly before, and at the time of the conclusion of the Treaty of Münster (1648), held by the Dutch, and that the right of her Majesty's Government to the territory up to that point is in consequence unassailable.

6. But they view it as of such importance to the welfare and material advancement of the Colony of British Guiana, that this long-pending boundary question should be speedily settled, that they think that if some of the rights of Great Britain can be waived, without serious detriment to the colony, it would be highly desirable to do so, if thereby settlement can be effected.

7. With this object in view, and in a spirit of conciliation, Her Majesty's Government have sought to suggest a boundary which, while it shall afford due protection to the interests of British Guiana, shall be such as to recognize the reasonable claims and requirements of Venezuela, and avoid the occasion for subsequent disputes.

8. They are disposed, therefore, to submit the following as a line of boundary, which they consider will yield to Venezuela every reasonable requirement, while securing the interests of British Guiana: The initial point to be fixed at a spot on the seashore twenty-nine miles of longitude due east from the right bank of the River Barima, and to be carried thence south over the mountain or hill called on Schomburgk original map the Yarikita Hill, to the 8th parallel of north latitude; thence west along the same parallel of latitude until it cuts the boundary line proposed by Schomburgk, and laid down on the map before mentioned, thence to follow such boundary along its course to the Acarabisi, following the Acarabisi to its junction with the Cuyuni, thence along the left bank of the River Cuyuni to its source, and thence in a southeasterly direction to the line as proposed by Schomburgk to the Essequibo and Corentyne.

9. This boundary will surrender to Venezuela what has been called the Dardanelles of the Orinoco. It will give to Venezuela the entire command of the mouth of that river, and it

yields about one-half of the disputed territory, while it secures to British Guiana a well-defined natural boundary along almost its whole course, except for about the first fifty miles inland from the sea, where it is necessary to lay down an arbitrary boundary in order to secure to Venezuela the undisturbed possession of the mouths of the Orinoco; but even here advantage has been taken of well-defined natural landmarks. The Barima, connected as before mentioned by its tributaries with the center of the country of Essequibo, is also connected with the Waini by a channel through which the tide flows and ebbs.

10. The line of boundary now proposed will fall a little to the north of the junction of this channel with the Barima, thus placing these outlets within British Guiana, and enabling the Colonial Government to exercise efficient control over these means of communication with the interior of the colony. The high land referred to as Mount Yarikita is the top of the watershed between the Barima and the Amacuro at that point, and is near the range of hillocks shown on Schomburgk's map before mentioned. The line proposed does not encroach on any territory actually settled or occupied by Venezuela, and the difference between the line as proposed by Her Majesty's Government and that as proposed by Señor de Rojas, is as regards the portion of the territory most important to Venezuela, not very considerable, while anything short of this would fail to secure to British Guiana the command of the inlets and outlets of her internal water communication.

11. The internal boundary suggested is one that would be well understood by the aboriginal Indians and others. All would soon learn that the boundary line ran along the Cuyuni from its source to its junction with the Acarabisi, and from that point along the Acarabisi to its source, and from there along the high lands which stretch thence in a northerly direction toward the sea. A line so well marked would prevent many complications and will commend itself, it is hoped, on that and the other grounds above stated, to the acceptance of the Venezuelan Government.

PART VII.

Mr. Mansfield to Dr. Seijas.

[Copy.]

CARACAS, October 15th, 1883.

Monsieur le Ministre:

By the last packet of the Royal Mail Company I received a communication from Lord Granville of no inconsiderable importance; the subjects therein treated are various, and I cannot too strongly impress upon Your Excellency my opinion that they should receive a careful and exhaustive consideration at the hands of the Venezuelan Government, a consideration which, indeed, His Excellency the President of the Republic is invariably disposed to accord to the communications of friendly Governments and more especially to those of the Government of Great Britain; on the present occasion, however, when it is for the manifest and mutual advantage of both Governments that various outstanding points at issue, some indeed of long date, should receive a proximate and satisfactory solution, a careful consideration of the views of Her Majesty's Government becomes even yet more necessary.

Lord Granville instructs me to invite the serious attention of the Venezuelan Government to the questions now pending between Great Britain and Venezuela, and I am to state that it is, in the opinion of Her Majesty's Government, desirable that an early settlement of them should be arrived at.

Lord Granville has been for some time awaiting the arrival of Señor Rojas in London in order to enter with him upon a discussion of the points at issue, but his recall has prevented Lord Granville from doing so, and his Lordship is desirous of knowing how soon His Excellency's successor may be expected, and whether the new Minister will be furnished with such instructions as will enable him to take these matters in hand as soon as he arrives in Europe.

The questions to which Lord Granville refers are;

1st. The boundary between Venezuela and British Guiana.

2nd. The differential duties imposed on imports from British Colonies.

3rd. The claims of the British creditors of the Republic.

As a preliminary to entering upon negotiations, Lord Granville considers it to be indispensable that an answer should be given to the proposals of Her Majesty's Government in regard to the Boundary; should that answer be in the affirmative, and should the other questions be satisfactorily settled, the wishes of the Venezuelan Government in regard to the cession of the Island of Patos will receive favorable consideration.

With reference to the differential duties, Her Majesty's Government will be prepared to discuss in the most friendly spirit, but without pledging themselves beforehand to accept them, the proposals of the Venezuelan Government for the addition of supplemental articles to the treaty now existing between the two Countries.

The question of foreign claims on Venezuela has formed the subject of a recent communication from the United States Government to that of Her Majesty and before replying to it Lord Granville would be glad to be informed of the view which the Venezuelan Government take of the recommendation, that they should pay to France over and above the stipulated pro-rata payments the sum of seven hundred and twenty thousand francs (frcs. 720,000).

Her Majesty's Government consider that the questions to which Lord Granville refers should be dealt with as a whole, and I am instructed to say that they attach great importance to a simultaneous settlement of them.

Such, Your Excellency, are the exact views of Her Majesty's Government upon the subjects in question, and I cannot but feel convinced that the cordial and friendly spirit in which they are approached by Lord Granville will be met in a similar manner by the Government of Venezuela.

The President of the Republic will not fail to observe the

tone of Lord Granville concerning the supplemental *articles* (not article) to the Treaty; and, although His Lordship enters into no distinct promise upon the subject I venture to think, that, when the matter comes regularly into discussion, the proposals of Venezuela will undergo every chance of meeting with acceptance by Her Majesty's Government.

In renewing the assurance of my distinguished consideration, I have the honor to sign myself your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc., etc.

Dr. Seijas to Mr. Mansfield.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS—D. P. E.—No. 625.

CARACAS, November 15th, 1883.

Sir :

I have had the honour to receive the note dated 15th of October last, in which you set forth the tenor of the instructions sent recently by Lord Granville, Minister of Foreign Affairs to Her Britannic Majesty, for the purpose of recommending most urgently to the Venezuelan Government the importance of coming to a speedy and complete conclusion of the questions pending between the two countries : viz., as His Lordship says :

- 1st. Limits between Venezuela and British Guiana;
- 2nd. Differential duties on the importations into Venezuela from British Colonies;
- 3rd. Pending claims of British creditors against the Republic.

And you add, with the authorization of Lord Granville, that the Government of Her Majesty will be disposed to consider favorably the reclamation of Venezuela referring to the *Island of Patos*, provided the arrangement of the questions mentioned heretofore come to a satisfactory solution, as it is to be hoped.

The terms in which the instructions of Lord Granville appear to be conceived, as well as the interest they exhibit to arrive at a speedy and joint solution of the debated points, are highly appreciated by His Excellency the President of the Republic, as they are a proof of the very friendly tendency and elevated intentions of the Government of Her Majesty, and justify and confirm at the same time the persuasion, which never has abandoned the mind of His Excellency the President, of its being impossible, in view of the antecedents, that the disposition of the Government of Great Britain towards the Republic of Venezuela could cease to be a noble one.

Without any legitimate reasons or motives which in any way could be looked at as antagonistic between the two nations, considering the secular wisdom of the Cabinet of St. James, the constant cordiality of the young Republic to correspond in a worthy manner to those friendly feelings, and the reciprocal demonstrations of special deference shown at all times, there could, at the present time, exist no other prospect besides the possibility of dispelling any cause of discussion between the two Governments.

There remains one difficulty of a secondary character in reference to the *modus operandi*, and I have been instructed by His Excellency the President to bring it to the consideration of the Government of Her Majesty, in the hope that it may be removed.

This difficulty consists principally in the very desire of His Excellency the President of the Republic, to have the glory of arranging, in a manner convenient and effective to both sides, before the 20th of February next, at which day his Excellency has to retire from the Executive office, every difference in the important relations between the Republic and Great Britain, with the perfect security that the Congress of the Republic will give full approbation to whatever His Excellency may have agreed upon.

This desire, which is in perfect harmony with that expressed so urgently by the noble Lord Granville, would not be opposed to the intention of carrying on the negotiations in London, if

His Excellency the President could at present, in accordance with our laws, decide to send a Minister of the Republic to Her Majesty; but this unfortunately he cannot do under the budget of the present fiscal year, nor shall he be able to do so before next spring, in accordance with the new budget.

However, the question of limits being the principal point amongst those recommended by Lord Granville, it must be observed that precisely this point has caused a delay in the course of the negotiations for the time of one year, as the Government was anxious to overcome by any means whatever the serious difficulty which the Constitution or Fundamental Law of the Republic presents to the conclusion of Treaties on Boundaries. It denies most explicitly to its High Powers the faculty of alienating, or making cession of the smallest part of the territory under the recognized dominion of the Republic, in no case or manner whatever, even if it were as an indemnification in exchange.

For one year the President has been consulting the opinion of jurisconsults and public men of high standing, in order to get any information that might lead to the solution of the Guiana Boundary question by means of a Treaty. But all the documents and all men of talent that have been consulted, have confirmed more and more the belief that the river Essequibo is the lawful boundary inherited by the Republic, with the Colony belonging formerly to the Dutch, and now to England. Thus the impossibility became apparent to conclude this discussion otherwise than through the intervention of an arbiter who, by the free and unanimous election of both Governments, should judge and give a final sentence.

This is the obstacle which His Excellency the President finds to comply as readily as he should like to do with the desire of Lord Granville to put an end to all discussion between the two Governments by means of a Treaty.

A sentence *de jure* would be an obligatory and expedient solution of the boundary question; and therefore His Excellency the President orders me to recommend most earnestly, through you as the worthy organ, to the consideration of Lord

Granville the urgency of unanimously electing an arbiter, so that from now till February the friendly intentions of both Governments may be satisfied; a measure which will be only dependent on the Government of Her Majesty being pleased to send instructions to the British Legation at Caracas, for the purpose of agreeing with the Venezuelan Government about such an election without any further delay.

The negotiations about supplementing the actual Treaty, as proposed by Venezuela on account of this being most necessary to its better intelligence in the future, as well as the difficulties arising from differential duties, the claims of British creditors, and the *Island of Patos*, might be brought to a desirable solution whilst the sentence in the boundary question is pending, if the Government of Her Majesty, in view of the stress of circumstances resulting from the short term of the 20th of February, would agree to have these negotiations carried on at Caracas. Thus His Excellency would have the satisfaction to reach before the 20th of February the end he wishes for, to leave arranged every difficulty between the Republic and Great Britain, her friend for many years.

It would be concurrent to the purpose if the noble Lord Granville were pleased to include the claims of British subjects against Venezuela in the instructions to be sent to the British Legation at Caracas, so as to accept the agreement proposed to the Government of Her Majesty for converting the remainder of these claims into Diplomatic Debt represented by 3 per cent. bonds. In this connection it may be pertinent to remember here that Italy, by virtue of a Treaty, has accepted this mode of payment, which is to-day the most common, and at the same time the most advantageous for the legitimate creditor and the honest debtor. Spain accepted it for liquidating the claims of her subjects, who are well satisfied with it. Germany, in consequence, has declared that she will accept it also provided the other creditors do the same.

With respect to the indication of Lord Granville which emanates from another one made by the Government of the United States referring to the French claims, this Govern-

ment has officially acquainted the French Government, who has declined to accept the fractional amount due to it of the 13 per cent. set off by the law for the diplomatic claims, that the sum of 400,000 francs shall be paid in cash, in order that the remainder of the claims, which when liquidated perhaps does not come up to as much, should be paid in 3 per cent. bonds of the Diplomatic Debt or with fr. 13,242 a month, instead of fr. 11,637, which is to-day the fractional amount due to France.

I have thus fulfilled the orders of the President with all the clearness and precision consistent with the brevity of time from now till the 20th of February, and as the noble Lord Granville most urgently requests, a desire which you have so courteously communicated ; and His Excellency the President hopes to see realized the glory to which he aspires, namely, to leave the Government of the Republic in the most friendly accord and without point of discussion with that of Great Britain.

I remain, sir, your obedient servant.

(Signed) RAFAEL SEIJAS.

To His Excellency, Colonel C. E. Mansfield, Minister Resident to Her British Majesty.

Mr. Mansfield to Dr. Seijas.

[Copy.]

CARACAS, March 11th, 1884.

Monsieur le Ministre :

With reference to some communications which passed between Your Excellency's Office and this Legation in November of the past year I have the honor to inform Your Excellency that I am in receipt of a despatch from Earl Granville dated the 15th of January which has been much delayed owing to the recent storms in the Atlantic. In the despatch in question I am instructed to state to Your Excellency that Her Majesty's Government fear that it would be found impracticable considering the importance and complicated nature of the questions at issue between the two Governments, to

bring them to a settlement before the expiration of the President's term of office; and, further, I am to say, that if the Venezuelan Government should not decide to send a Diplomatic Representative to London, instructions will be prepared to enable Her Majesty's Representative at Caracas to carry on negotiations.

Availing myself of this opportunity to renew the assurance of my distinguished consideration I have the honor to be Your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc., etc.

Dr. Seijas to Mr. Mansfield.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS.—D. P. E. No. 219.

CARACAS, March 15th, 1884.

Sir:

I have read to the President of the Republic the official note in which Your Excellency communicates to me that Her Majesty's Government feared that the pending questions between the two countries would not be brought to an end, on account of their importance and complicated nature, before General Guzmán Blanco finishes his present term of office; and, that in case Venezuela does not send to London a Diplomatic Agent, instructions would be given to Your Excellency to continue negotiations in Caracas.

It may be easily understood that the President, having such a great interest for the welfare of his country, should desire to present his fellow-citizens, as a proof of his love for it, with the settlement of said questions, in order to secure thus the permanent good understanding of Venezuela and Great Britain, which has been one of the principal objects his Administration has aimed at.

Since it has been impossible to do so during his Administration, he hopes that one of the first cares of the next will be

to appoint a Plenipotentiary of Venezuela in London; and he entertains the hope that this will take place soon, and will make it possible to carry on the negotiations which have been mentioned, and bring them to an issue.

I beg to renew to Your Excellency the assurances of my high consideration.

RAFAEL SEIJAS.

To His Excellency Colonel C. E. Mansfield, Her Britannic Majesty's Minister Resident.

Mr. Mansfield to Dr. Seijas.

[Copy.]

CARACAS, March 29th, 1884.

Monsieur le Ministre :

With reference to Your Excellency's note of November the 15th of last year, I have the honor to bring to the notice of the President of the Republic that I have received a dispatch from Lord Granville, dated February 29, instructing me to state that Her Majesty's Government are not of opinion that the boundary between this Republic and British Guiana should be referred to arbitration, but express, at the same time, the hope, that some other means may be desired for bringing this long-standing matter to an issue satisfactory to both powers.

With sentiments of distinguished consideration, I have the honor to be Your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc., etc.

[Translation.]

Dr. Seijas to Mr. Mansfield.

DEPARTMENT OF FOREIGN AFFAIRS.—D. P. E.—No. 251.

CARACAS, April 2nd, 1884.

Sir:

I have received Your Excellency's note of the 29th of last March in which you state that His Excellency, Her Britannic

Majesty's Secretary for Foreign Affairs, has authorized your Legation to inform the President of the Republic that Her Majesty's Government are not willing to submit the question of limits between Venezuelan Guiana and British Guiana to arbitration, expressing at the same time the hope that another means may be found of putting an end to this long-standing question in a manner satisfactory to both countries.

In the note which I addressed on the 15th of November last to Your Excellency, I stated the grounds upon which the President based his proposals to submit the matter to arbitration. The first and principal one was that Article 12 of the Constitution of the Republic forbids all alienations of territory; and, as there is a disagreement between the two parties as to the extent of territory belonging to each, the decision of an arbitrator could alone determine whether the pretension of this country has or has not any foundation.

It was furthermore borne in mind that, precisely in regard to this same question of limits, Lord Aberdeen, then Her Britannic Majesty's Secretary of State for Foreign Affairs proposed again and again to the Plenipotentiary of Venezuela, Dr. Fortique, in a conference held on the 29th of July, 1843, to resort to arbitration as a means of solving the question.

It was furthermore recalled that, as the result of the agreement made at the conference held in Paris in 1856 on the proposition of the Plenipotentiary of Great Britain, the latter's Legation in Caracas suggested to the Venezuelan Government to invoke the good offices of some friendly Power in order to prevent international conflicts, which was promptly and willingly acceded to by the latter, with the understanding that this involved not only mediation but arbitration.

It was thought likewise that this means of settling international controversies, besides being the fittest, as far as boundary questions were concerned, is daily gaining the approval of the most enlightened and liberal nations.

Great Britain is one of those who have been foremost in this struggle of progress.

The present Prime Minister of Great Britain once ex-

pressed himself in the following terms before the House of Commons: "As for the proposition to submit international misunderstandings to arbitration, I think that it is in itself a great triumph. This is, perhaps, the first time that the representatives of the principal nations of Europe have given an emphatical expression to feelings which at least contain a limited disapproval of the resort to war, and vindicated the supremacy of reason, of justice, of humanity and of religion." The above referred to the spirit which prevailed at the afore-said Paris conference.

The proposition of Mr. Richards, to recommend to Her Majesty to instruct the Secretary of Foreign Affairs to put himself in communication with other Powers in order to improve International Law and to establish a general and permanent system of arbitration between nations, was approved in 1873 by a majority of 98 votes against 88.

It is affirmed that Sir John Bowring introduced the principle of arbitration into treaties which he negotiated with Belgium, Italy, Switzerland, Spain, Sweden, Norway and Hanover.

I need not recall the practical instances in which Great Britain has adopted arbitration for the settlement of international disputes, among them being questions of limits, as, for example, those submitted in 1830 to the King of Holland and in 1871 to the Emperor of Germany.

I will mention in conclusion as it is of more recent occurrence, the clause of arbitration introduced in the protocol annexed to the treaty made between Great Britain and Italy on the 5th of June, 1883, which met with the applause of the Association of International Arbitration existing in England, in an address signed by eight members of the House of Lords, by forty-five of the House of Commons, and by Professors of the Oxford, Cambridge and London Universities, as well as by magistrates, merchants and other prominent persons of the United Kingdom.

But, as Her Britannic Majesty's Cabinet is of a different opinion in the present instance, the President has instructed me to request them, without losing sight of the constitu-

tional situation of Venezuela, to kindly select and point out another acceptable way of obtaining a settlement of this difficulty, which the Republic so anxiously desires.

I beg to renew to Your Excellency the assurance of my distinguished consideration.

RAFAEL SEIJAS.

To His Excellency Col. C. E. Mansfield, H. B. M. Minister Resident.

Mr. Mansfield to Dr. Seijas.

[Copy.]

CARACAS, April 7th, 1884.

Monsieur le Ministre:

I hasten to offer my best thanks for Your Excellency's very interesting note upon the subject of arbitration in the matter of the Boundary between British Guiana and the territory of this Republic.

I shall not fail to transmit to Lord Granville a copy and translation of your Excellency's Note; Her Majesty's Government are as desirous as that of Venezuela to procure the settlement of this long-standing difference and the subject will doubtless be discussed between Lord Granville and the new Venezuelan Minister at an early period after the arrival of the latter in London.

For the present Her Majesty's Government does not appear to be of opinion that arbitration is applicable to the question, and Lord Granville, I admit, holds out little expectation to me in his dispatch, that Her Majesty's Government will be disposed to alter their view of the case, but much may be expected in the way of settlement of our various pending questions, when the new Venezuelan Minister shall have arrived in England and find himself in direct communication with Her Majesty's Government.

With the renewed assurance of my distinguished consideration, I have the honor to be Your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc., etc.

Same to Same.

[Copy.]

CARACAS, April 8th, 1884.

Monsieur le Ministre :

With reference to the last paragraph of Your Excellency's Note of the 2d of this month, inviting a suggestion for a solution of the question concerning the frontier between this Republic and British Guiana, a solution which must necessarily be in accordance with the provisions of the Venezuelan Constitution, I beg to say that I have been giving the subject my best consideration, examining, at the same time, the article of the Constitution to which allusion is made by Your Excellency.

It has occurred to me, that it may be worthy of the consideration of the President to weigh whether a district about the *sovereignty* of which, since the *earliest* days of the Republic of Venezuela there has existed a *discussion* with a foreign Power, is to be regarded as forming so *integral* a *portion* of the territory of the Republic as to preclude the possibility within the limits of the Constitution of a *rectification* of frontier by *treaty*; I make use of the latter term with intention and advisedly; the question appears to me one essentially of rectification of frontier, for neither in the proposals of Lord Aberdeen, nor in those made by Lord Granville to Señor Rojas does Her Majesty's Government suggest that the whole of the territory which *at one time* was assumed to be comprised in our possessions as inherited from the Dutch, should now be declared to be British territory.

As I understand the case, the original frontier by both proposals has receded in a sense in *favour of Venezuela*, and under the term of rectification of frontier by treaty, the subject may therefore perhaps be considered by the President to come within the provisions of the Constitution.

When Lord Granville, two years since, forwarded to me copies and maps of his proposals to Señor Rojas, His Lordship intimated to me in the most distinct terms that the same

were merely sent to me for my information, stating that all negotiations would be carried on in London; but in making the above suggestions to Your Excellency I conceive that I am not departing from my instructions, as I am not taking into consideration the question of the boundary but merely the manner and form in which negotiations might take place, in harmony with the Constitution of Venezuela.

I shall esteem it a favour if Your Excellency will submit the above to General Guzmán Blanco at the *earliest possible opportunity* and request His Excellency to give to my ideas his most attentive consideration.

No very immediate answer will be necessary; I shall forward a copy of this note to Lord Granville and the new Venezuelan Plenipotentiary in London will be able to discuss the question with His Lordship, but at the same time I cannot but express the hope that my view of the subject as a mere rectification of frontier to be arranged by treaty may appear to General Guzmán Blanco to present an *adequate solution* for the question.

With the renewed assurance of my distinguished consideration I have the honor to be your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc., etc.

Dr. Seijas to Mr. Mansfield.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS.—D. P. E.—No. 271.

CARACAS, April 9th, 1884.

Sir:

I hastened to report to the President Your Excellency's answer to the dispatch in which I stated the grounds Venezuela had had to propose arbitration to Great Britain for the settlement of the dispute on limits between the two countries, and in which I asked, besides, Her Majesty's Government to point out other means of reaching this object in any way compatible with the Constitution of the Republic.

After having examined the question, Your Excellency suggests to the President to fix his attention upon the point whether a district about the sovereignty of which there has existed a discussion with a foreign Power since the earliest days of the establishment of the Republic, is to be regarded as forming so integral a portion of the territory of the Republic that it precludes the possibility, within the limits of the Constitution, of a rectification of frontier by treaty.

Your Excellency further remarks that neither in the proposals of Lord Aberdeen nor in those of Lord Granville does Her Majesty's Government suggest that the whole of the territory which at one time was supposed to be comprised within their possessions as having been inherited from the Dutch, be now declared to be British territory; and that as far as Your Excellency understands the case, there has been in both propositions a diversion or retrocession in favor of Venezuela with regard to the original frontier, and, under the terms of the rectification of the latter by means of a treaty, it may perhaps be possible to the President to consider the matter as included in the provisions of the Constitution.

Allow me to tell Your Excellency what the President thinks in this respect.

All the Constitutions of Venezuela have established that her limits are the same which in 1810 belonged to the Captancy General of Venezuela.

According to those of 1830 and 1857, Congress had the power to "decree the alienation, the exchange or the acquisition of territory."

In that of 1858 it is stated that "no portion of territory could pass through alienation to the dominion of another Power; but that this rule should not be an obstacle to the accommodations which might become indispensable for the fixing of the boundaries of the Republic with other neighbouring countries, as long as no village should lose its nationality through the same."

As though to contrast with this last clause the following Article 13th was written in the Constitutions of 1864, 1874,

and 1881: "the States of the Venezuelan Confederation bind themselves to the following—4th, not to alienate to a foreign Power any portion of their territory, nor to implore its protection, nor to establish or carry on relations either political or diplomatic with other nations, as all this is left for the Federal Government to do."

Here are to be found prohibitions which refer as much to the States singly as to the whole of them, and such are those concerning the territory and the asking for the protection of another Power. The other prohibition affects the States only in their individual character, as one of the objects of the Union is to delegate the exercise of external sovereignty in the entity formed by the whole.

Venezuela and Great Britain have equal rights in the question which is being discussed. If the Republic yielded any part of her pretension, she would acknowledge the superiority of the British claim ; she would violate the aforesaid article of the Constitution and would incur the reproaches of the citizens.

But when both nations setting aside their independence for the sake of peace and good friendship create by common consent a tribunal which is to decide upon the controversy, the latter can determine that one of the parties, or both, is mistaken in its judgment as to the extent of its territory. In this manner the decision would not clash with the Constitution of the Republic, as there would be no alienation of what would prove not to be her property.

Arbitration alone possesses this advantage among the means of settling international disputes, especially when it has become evident that neither conventions nor compromises could possibly lead to the desired object.

What Your Excellency states in regard to Her Britannic Majesty's Government's not maintaining the limits that they originally believed to be those of Guiana is a proof that there may be some ground for their modifying their opinion in the matter in question. But I beg to be allowed to remark that Lord Granville's proposal is, for unknown reasons, less favor-

able to Venezuela than that of Lord Aberdeen, as while the latter spontaneously presented as a limit the course of river Moroco, the former has traced a more northerly line commencing at a point of the coast twenty-nine miles in longitude to the East of the right bank of river Barima.

I beg to renew to Your Excellency the assurances of my highest consideration.

RAFAEL SEIJAS.

To His Excellency Colonel C. E. Mansfield, H. B. M. Minister Resident.

Mr. Mansfield to Dr. Seijas.

[Copy.]

CARACAS, April 16th, 1884.

Monsieur le Ministre:

I beg to offer my best thanks for Your Excellency's Note of the 9th instant in which you do me the honor to state at further length the difficulties which in the opinion of the President are presented by the provisions of the Constitution to the settlement by treaty of the Boundary between this Republic and the dominions of Her Majesty in Guiana.

To my great regret I perceive that there appears to remain but little prospect of a solution of the question; the whole matter, however, will come under discussion between the new Venezuelan Plenipotentiary in London and Her Majesty's Government, when perhaps some "modus operandi" may be devised in accordance with the views of the two Governments.

I have not thought it advisable to personally enter further into the question, as I might be drifted into engaging in the discussion and consideration of points, concerning which I was instructed that negotiations would be carried on in London in the event of Venezuela being represented in that capital, and only in Caracas in a contrary contingency; but I shall not fail, when I transmit a copy and translation of Your Excellency's late note, to accompany the same with any observations which may appear to be relevant to the case in question; and I can only conclude with the hope that the friendly spirit in which

the subject is being approached by both Governments may not in the end prove barren of results.

With the assurance of my distinguished consideration, I have the honor to be Your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Senor Rafael Seijas, etc., etc., etc.

Mr. Mansfield to Dr. Amengual.

[Copy.]

CARACAS, August 6th, 1884.

Monsieur le Ministre:

With reference to correspondence which took place in the Spring of the present year between Your Excellency's predecessor and this Legation concerning the long-pending question of the frontier between British Guiana and the Republic of Venezuela, I beg to say that I transmitted to London copies and translations of the latest communications of Señor Seijas, and after careful consideration of the same Lord Granville instructs me to state that Her Majesty's Government adhere to their opinion that arbitration is not a desirable or indeed a suitable mode of dealing with the subject, and Her Majesty's Government entertain earnest hopes that some other solution such as negotiation by mutual agreement may be devised for settling this question of now more than half a century's standing.

With the renewed assurance of my distinguished consideration, I have the honor to be, Monsieur le Ministre, Your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

To His Excellency General Vicente Amengual, Secretary of State for Foreign Affairs.

PART VIII.

Memorandum left with Sir Julian Pauncefote by General Guzmán Blanco.

The Government of Great Britain proposed to that of Venezuela the simultaneous settlement of these questions of limits, differential duties, and pecuniary claims.

As regards the first the Government of the Republic finds in its Constitution an insuperable difficulty to settle it in any other way but arbitration.

In fact, the States of the Confederation of Venezuela bind themselves therein to alienate to no Foreign Power any part of their territory. Therefore it is impossible for them to make or accept any Treaty in which are not recognized the same limits which in the year 1810 belonged to the former Captaincy General of Venezuela, to wit: the limits of the United States of the Venezuelan Confederation according to what is established in another article of the above mentioned Constitution.

For this reason arbitration was proposed having in mind that the decision of a third Power would not imply the alienation of territory, but simply a declaration of the present rights of the parties. Her Britannic Majesty's Cabinet did not consider the proposal admissible. Venezuela now proposes, instead of the arbitration of a friendly Power, the sentence of a Commission of Jurists composed of persons chosen respectively by the parties.

FOREIGN OFFICE, December 24th, 1884.

Monsieur le Ministre:

In the course of the conversation we had in this office on the 25th of October last about the settlement of the question of limits with Venezuela, you observed that, according to the

provisions of her Constitution neither Congress nor the Executive had the power to alienate any portion of the Venezuelan territory and that therefore the Government of the Republic could not enter into any settlement which involved the cession of any portion of the territory claimed by Venezuela as belonging to her. I now have the honor of pointing out to you that the object of the proposal made to the Government of Venezuela by that of Her Majesty for the settlement of this question, was to determine the proper boundary lines between Venezuela and the Colony of British Guiana, and not to obtain the cession of any part of the Venezuelan territory.

I have the honor to sign myself, Monsieur le Ministre, with the highest consideration, your most obedient, humble servant.

GRANVILLE.

Señor General Guzmán Blanco, etc., etc., etc.

General Guzmán Blanco to Earl Granville.

LEGATION OF VENEZUELA IN LONDON.—NUMERO 200.

194 QUEEN'S GATE, LONDON, December 30th, 1884.

My Lord:

I beg to acknowledge the receipt of Your Excellency's note of the 24th of this month, in which Your Excellency reminds me of an observation which I made during an interview on the 25th of October about the manner of settling the pending question of limits, and Your Excellency points out to me that the object of the proposal made by the Government of Great Britain to that of Venezuela for the settlement of the question was to determine the proper boundary lines between the Republic and the Colony of British Guiana, and not to obtain the cession of any part of the Venezuelan territory.

In that interview I merely observed the difficulty because it referred principally to other points. I was more explicit on a later occasion in an interview I had with Sir Julian Pauncefote, to whom I even left a memorandum in which I fully exposed my views.

I shall now explain myself better.

Article III of our Constitution is as follows: "The boundary lines of the United States of the Venezuelan Confederation are the same as those which in the year 1810 belonged to the former Captaincy General of Venezuela."

When the Treaty of Peace and Recognition was signed by Venezuela and Spain the 30th of March, 1845, H. C. M. waived, on behalf of the Republic, the sovereignty, rights and actions which belonged to her over the American territory known by its former name of "Captaincy General of Venezuela." In consequence, H. C. M. recognized the Republic of Venezuela as a free nation, sovereign and independent, and composed of the provinces and territories denominated in her Constitution and other posterior laws, to wit: "Margarita, Guiana, Cumaná, Barcelona, Caracas, Carabobo, Barquisimeto, Barinas, Apure, Merida, Trujillo, Coro, and Maracaibo, and any other territories or islands that may belong to it."

Article XIII. of our Constitution establishes as one of the basis of the Union—4th "that the States bind themselves not to alienate to any foreign Power any part of their territory."

And now combining the aforesaid provisions, the difficulty which Venezuela finds for the settlement of a boundary question in any other way than by arbitration, becomes plain. The Republic understands that the limits of the old Captaincy General of Venezuela reached as far as the Essequibo, while Great Britain contradicts this. Therefore were the Republic to admit a different line, whatever might be the reason of this, it would imply the alienation or cession of territory. Neither the one side nor the other, being, as they are, interested parties, can decide the question impartially; but if it is submitted to the decision of a Commission of Jurists who would examine the titles of both nations, that Commission would decide according to the merits of the proofs adduced, and each side would have to submit to the loss of the territory to which according to the decision of the Commission it has no right, and to be content with the one that the sentence declares to be its property, giving thereby to public opinion and to the Federal

Congress of my country no ground to complain that there has been any cession of the country's territory, which is prohibited in an absolute and irrevocable manner by the Constitution of Venezuela.

In view of all the reasons which have been stated, the Government of the Republic proposed the arbitration of a friendly Nation to that of Her Britannic Majesty ; but as this has not been accepted, I am instructed to propose that the question be submitted to a Commission of Jurists composed of persons chosen by both parties. I stated the same thing in a memorandum which I placed in the hands of Sir Julian Pauncefote which, as he told me, was to be submitted to the Secretary of State for the Colonies.

This matter is of so much importance to Venezuela, that it is one of the principal motives of my coming to England to endeavor to bring about the solution initiated by Venezuela since 1881. I beg therefore to be allowed to recommend the last proposition to the prompt consideration of Your Excellency, and I entertain the hope that this time I shall find the means of bringing the difficulty to an end, as it is most earnestly desired by the Republic.

I beg to renew to Your Excellency the assurance of my highest consideration.

GUZMÁN BLANCO.

To His Excellency Earl Granville, H. B. M. Principal Secretary of State for Foreign Affairs.

Earl Granville to General Guzmán Blanco.

FOREIGN OFFICE, January 24th, 1885.

Monsieur le Ministre :

I have had the honor of receiving your letter of the 30th ultimo which reached this office on the 17th instant referring to the question of limits between Venezuela and British Guiana, and I beg, in answer, to inform you that it will receive the careful consideration of Her Majesty's Government.

I have the honor to sign myself, Monsieur le Ministre, with the highest consideration, your most obedient, humble servant.

GRANVILLE.

Senor General Guzmán Blanco, etc., etc., etc.

Same to Same.

FOREIGN OFFICE, February 13th, 1885.

Monsieur le Ministre:

With reference to my communication of the 24th ultimo, I have the honor to state to you that Her Majesty's Government have carefully considered the proposal made to them in your letter of 30th of December last, that the settlement of the disputed boundary between British Guiana and Venezuela should be intrusted to a Commission of Jurists appointed by the British and Venezuelan Governments, whose decision should be final.

I regret to have to inform you, Monsieur le Ministre, that the above proposal presents constitutional difficulties which prevent Her Majesty's Government from acceding to it, and that they are not prepared to depart from the arrangement proposed by the Venezuelan Government in 1877, and accepted by Her Majesty's Government, to decide the question by adopting a conventional boundary fixed by mutual consent between the two Governments.

I have, etc.,

GRANVILLE.

Senor General Guzmán Blanco, etc., etc., etc.

General Guzmán Blanco to Earl Granville.—(Received April 8.)

(Translation.)

194 QUEEN'S GATE, LONDON, April 6, 1885.

I have the honor of informing Your Excellency that I have received your communication of the 2nd instant respecting a Treaty of Amity and Commerce between Venezuela and Great Britain.

Since my arrival in this country, at the first interview I held with Your Excellency, I stated that the Government of the Republic was ready to terminate, as wished by Her Britannic Majesty's Government, the point spoken of in Mr. Mansfield's note of the 15th October, 1883, namely, the differential duties imposed upon the imports from British Colonies.

Your Excellency referred me, for the discussion of details, to Lord E. Fitzmaurice and Sir Julian Pauncefote. I have had with them several interviews concerning the points I was instructed to bring to a speedy end.

Confining myself here to the subject of the Treaty, may I be permitted to remind you that it was I who brought forth the first formula for giving a solution to the difficulties that had occurred. Your Excellency found it to be insufficient, declaring at the same time that many of the provisions in the Treaty of 1825 were not in accordance with modern requirements, and inclosing copies of the one concluded with Paraguay on the 16th October, 1884, to be taken as a standard. On the same occasion Your Excellency assured me that an agreement had already practically been arrived at between the two Governments about the colonial Article, since Señor Amengual had accepted as the basis of settlement the proposals sent to him by Colonel Mansfield. Your Excellency transmitted them to me with an additional clause relative to the self-governing Colonies. All those circumstances prescribed to me the duty of consulting with my Government, particularly as Your Excellency's statement that Señor Amengual had accepted the proposal of Mr. Mansfield was not in harmony with my instructions. As soon as I received a reply, I addressed to Your Excellency a note dated the 21st March. So that, if in the course of this negotiation a delay has occurred, it has not been owing to me, but to the turn things have taken.

If Her Majesty's Government are anxious to terminate this question, the Venezuelan Government, which have sent me here with such a purpose, are no less prompted by the same earnest desire.

After the receipt of my new instructions it is not possible for me to treat about the draft Convention referred to, and to put off till another time the resumption of the negotiation for a new Treaty. It is incumbent upon me to forward the conclusion of the latter alone, this the means not only of settling the existing differences, but of laying at once and forever the foundations of a solid good understanding between the two parties, and the means, moreover, of simplifying the work by causing it to be one instead of dividing it into several.

Upon the strength of the above, I transmit to Your Excellency the project of a Treaty which I am authorized to agree upon and sign as soon as Your Excellency is willing to do so. It is identical in most of its Articles with the Treaty of Paraguay, which Your Excellency sent me as a type; and some alterations only have been made in the II and IVth Articles, and a new one has been introduced in regard to the necessity of arbitration as the single means of preventing any difference from affecting the friendly relations between the two countries. The treaty I present, immediately after the exchange of its ratifications would be substituted for that of 1834 and would secure the results wished for on both sides.

The moment it would be signed, I should communicate the fact by telegraph to my Government with the certainty that they would call upon Congress to extend its present Session in order to examine and approve of the compact. At all events the differential duties would be suppressed, so that no inconvenience need be apprehended in this particular.

PROJECT OF TREATY.

Article II.

The Contracting Parties agree that in all matters relating to commerce and navigation any privilege, favor or immunity whatever other than those provided for under Article III, which either Contracting Party has actually granted or may hereafter grant to the subjects or citizens of any other State, shall be extended immediately to the subjects or citizens of the other Contracting Party, unconditionally, if they are un-

conditional, and under the same equivalent if they are conditional, it being their intention that the trade and navigation of each country shall be placed in all respects by the other, on the footing of the most favored nation.

Article IV.

British ships and their cargoes shall in the United States of Venezuela, and Venezuelan ships and their cargoes in the dominions and possessions of Her Britannic Majesty, from whatever place arriving and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, and harbors of the two countries, pilotage, and generally to all matters connected with navigation; but it includes neither the internal navigation of rivers nor the coasting trade.

Every favor or exemption in these respects, or any other privilege in matters of navigation except in so far as the one provided for under Article III, which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party unconditionally, if they be unconditional, and under the same equivalent if they be conditional.

All vessels which according to British Law are to be deemed British vessels, and all vessels which according to the law of the United States of Venezuela are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

(Extract.)

Article XVI.

If, as it is to be deprecated, there shall arise between Venezuela and Great Britain any difference which cannot be adjusted by the usual means of friendly negotiation, the Contracting Parties agree to submit the decision of said difference to the arbitration of a third Power, in amity with both, without resorting to war.

Article XVII.

The present Treaty, which from the date of the exchange of its ratifications shall be substituted for the one concluded between Colombia and Great Britain on the 18th April, 1825, and renewed with Venezuela on the 29th October, 1834, shall continue in force during ten years counted from the above date, and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have given such notice.

Earl Granville to General Guzmán Blanco.

FOREIGN AFFAIRS, April 15, 1885.

M. le Ministre:

I have the honour to acknowledge the receipt of your note of the 6th instant, informing me that you are unable to sign the proposed Convention for regulating *ad interim*, until the negotiation of a full Treaty, the differences which have arisen as to the interpretation of the existing Treaties between Great Britain and Venezuela. Her Majesty's Government are of opinion that the proposed Convention would have been the more expeditious way of dealing with the question, but they are desirous of meeting the wishes of your Government as far as possible, and agree to the immediate conclusion of a full Treaty. They note with satisfaction the assurance which you give that the Treaty can be ratified during the present Session of the Venezuelan Legislature.

The proposal to settle by arbitration questions which may arise between the countries meets with the entire concurrence of Her Majesty's Government. Experience has shown, however, that when a difference has once arisen, it is often difficult to come to an understanding as to the course to be followed respecting the actual selection of the Arbitrator or Arbitrators,

and respecting the procedure of the Arbitration Commission or Tribunal when appointed. Her Majesty's Government suggest, therefore, the adoption of the fuller Article added as a Protocol to the Treaty of the 15th June, 1883, between Her Majesty the Queen and His Majesty the King of Italy. I have the honour to inclose a copy of that Treaty.

The proposed II and IVth Articles inclosed in your above mentioned note of the 6th instant would grant to the trade and commerce of the High Contracting Parties a conditional most-favoured-nation treatment only. The policy pursued by Her Majesty's Government in matters of commercial and economic legislation is such that it appears to them that no condition of the nature proposed can be required by Venezuela in respect of British trade in the Republic; and they, on their part, desire under all circumstances to extend to Venezuelan trade every favour or privilege they may grant to any other Power. You are, no doubt, aware that in this country every protective restriction or duty has been repealed. Customs duties are levied only for the purpose of raising revenue; and where they are levied on foreign goods which are also produced in the United Kingdom, a corresponding excise or inland duty is levied on the home-produced article. Even the coasting trade and the trade between the mother-country and the Colonies is entirely open to foreigners and foreign ships. And, finally, any concession made to one Power is immediately and unconditionally extended to all others, even to Powers having no Commercial Treaty with Great Britain. The interests of Venezuela in the self-governing Colonies are sufficiently protected by the Article relating to the Colonies as any such Colony acceding to the Treaty, and thus becoming entitled to absolute most-favoured-nation treatment for its trade in Venezuela would be bound to give similar treatment to Venezuelan trade.

Great Britain, having already made every possible concession to foreign trade, would not be able to make the equivalent or similar concessions required by the Articles proposed on behalf of Venezuela. It would in each case be found that

she had already granted freely and unconditionally the very favour which had been purchased by a Power pursuing less liberal commercial policy.

I trust that a consideration of these circumstances will convince you, M. le Ministre, that the restricted most-favored-nation clauses proposed are not required in a Treaty with Great Britain, and that you will thus be able to agree to their standing as in the Treaty with Paraguay.

I am &c.,

GRANVILLE.

General Guzmán Blanco to Earl Granville.—(Received May 12.)

[Translation.]

194 QUEEN'S GATE, LONDON, May 6, 1885.

My Lord:

I have had the honour of receiving your dispatch of the 15th ultimo in answer to mine of the 6th.

Your Excellency assents, for which I am most thankful, to my proposal of proceeding at once to conclude a full Treaty involving also the settlement of the differences arising out of the Venezuelan Decree, by which an additional duty upon the importations from the Antilles was created.

Your remarks refer to the arbitration and the most-favoured-nation Articles.

As to the former I suggested this wording:

“If, as it is to be deprecated, there shall arise between Venezuela and Great Britain any difference which cannot be adjusted by the usual means of friendly negotiation, the two Contracting Parties agree to submit the decision of said difference to the arbitration of a third Power in amity with both without resorting to war.”

Your Excellency assures me that the proposal to settle by arbitration questions which may arise between the countries meets with the entire concurrence of Her Majesty's Government, and, after remarking that experience has shown that

when a difference has once arisen, it is often difficult to come to an understanding as to the course to be followed respecting the actual selection of the Arbitrator or Arbitrators, and respecting the procedure of the Arbitration Commission or Tribunal when appointed, suggests the adoption of the fuller Article added as a Protocol to the Treaty of the 15th June, 1883, between Her Majesty the Queen and His Majesty the King of Italy.

This Protocol runs thus:—

“Any controversies which may arise respecting the interpretation or the execution of the present Treaty or the consequences of any violation thereof, shall be submitted, when the means of settling them directly by amicable agreement are exhausted, to the decision of Commissions of Arbitration, and that the result of such arbitration shall be binding upon both Governments.

“The members of such Commissions shall be selected by the two Governments by common consent, failing which each of the parties shall nominate an Arbitrator, or an equal number of Arbitrators, and the Arbitrators thus appointed shall select an umpire.

“The procedure of the arbitration shall in each case be determined by the Contracting parties, failing which the Commission of Arbitration shall be itself entitled to determine it beforehand.”

This concerns only the controversies arising out of the interpretation or execution of the Treaty to be concluded, but not those emanating from another source. On the other hand, it seems that the Commissions of Arbitration spoken of will not consist of Powers, but of private persons.

Now, the clause which the Federal Constitution of the Republic prescribes for her guidance is as follows:—

“Article 109. In the International Treaties of Commerce and Amity there shall be inserted a clause to the effect that all differences between the Contracting Parties shall be decided without appeal to war by the arbitration of a friendly Power, or of friendly Powers.”

Venezuela has agreed thereto with the United States of Colombia, Italy, Denmark, Belgium, Spain, San Salvador, and Bolivia.

In conformity with that Article I wrote the one stipulating for arbitration in a general way, and with reference to third Powers.

I think that, owing to the above reflections, Your Excellency will find me justified in again calling your attention to the wording of the arbitration clause, in the hope that it may bring about every desirable result.

Moreover, I fain agree to what, in connection with the procedure, is suggested by Your Excellency as a means of supplying the deficiencies shown by experience.

Proceeding now to consider the most-favored-nation clause, it is incumbent upon me to remind Your Excellency that Venezuela has not yet reached such a development as to be able to enter upon the financial system adopted by Great Britain.

So her legislation rests upon contrary principles and it would require to change it radically to give room to the new Britannic system.

For instance, the 18th Law of her Fiscal Code defines thus the coasting trade:—

“Interior maritime coasting trade is that carried on from ports of entry and points on the Venezuelan coast by national vessels transporting foreign goods which have paid the duties levied thereon, or produce the growth of the country.”

In accordance with that, in a treaty between Venezuela and Spain of the 20th May, 1885, it was stipulated that the coasting trade of the respective countries should remain exclusively reserved to the national flag; and so on in other Treaties.

There are among nations special grounds which make them determine upon certain acts. I will quote an example from a Treaty signed between Venezuela and New Granada on the 23rd July, 1842, the XXVI article of which is to the following effect:—

“The Republic of Venezuela and the Republic of New

Granada, with a view to prevent any interpretation contrary to their intentions, do hereby declare that any advantages which both or either of them may derive from the foregoing stipulations are and must be understood to be a natural result of the political connections they formed when before united in a single body of nation, and as a compensation for the alliance they have entered into to support their independence."

Here are not one but several reasons which justified the granting of exceptional favours by each of the two Republics to the other, and another highly important reason may be added anent the navigation of some of them traversing the territory of both nations or receiving affluents from each other.

In such a case there would be no ground for extending the stipulations required by the same to third Powers differently circumstanced.

I come, therefore, to the conclusion that, so long as Venezuela does not attain to the stage of development and prosperity at which Great Britain has arrived, it is not possible for the former to agree upon that clause as desired by Your Excellency.

Such being the case, I propose either to preserve the IXth Article in the old Colombian Treaty, or to leave out the word "unconditionally" in the IInd and IIIrd Article in the Paraguayan Treaty, and the word "rivers" in the IIIrd, adding that the coasting trade is not included in the concessions therein expressed.

I remain, &c.,
GUZMÁN BLANCO.

Earl Granville to General Guzmán Blanco.

FOREIGN OFFICE, May 15, 1885.

M. le Ministre:

I have the honor to acknowledge the receipt, on the 12th instant, of your note dated the 6th instant respecting the proposed new treaty between Great Britain and Venezuela.

In reply, I have the honor to inform you that Her Majesty's Government agree to the substitution of the phrase "Power" to be chosen by the High Contracting Parties instead of "Arbitrators" in the Article respecting arbitration, and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and not those only which arise on the interpretation of the Treaty.

Her Majesty's Government are also prepared to meet generally the wishes of the Venezuelan Government as to river navigation and coasting trade as connected with it; but I beg leave to point out that this exception to most-favored-nation or national treatment should not interfere with ocean-going steamers touching consecutively at two or more ports of the Republic.

With regard to the arrangements made by Venezuela with Colombia, I have the honor to state that Her Majesty's Government will agree that the provisions of the most-favored-nation article proposed by them shall not include special arrangements with regard to local trade entered into by Venezuela with respect to traffic across the land frontier.

I trust that these modifications will meet your views, and that I may shortly hear from you that a formal draft Treaty framed on that with Paraguay, with the addition of an Article respecting arbitration and the alterations in the most-favored-nation stipulations now suggested, may be prepared for your approval.

I am, &c.,

GRANVILLE.

General Guzmán Blanco to Earl Granville.

[Translation.]

194 QUEEN'S GATE, LONDON, June 8, 1885.

My Lord:

I have with much satisfaction received Your Excellency's dispatch of the 15th ultimo, by which Your Excellency is pleased to inform me that Her Majesty's Government agree to

the substitution of the phrase "Power" to be chosen by the High Contracting Parties instead of "Arbitrators" in the Article respecting "arbitration," and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and not those only which arise on the interpretation of the Treaty.

Your Excellency adds that Her Majesty's Government are also prepared to meet generally the wishes of the Venezuelan Government as to river navigation and coasting trade as connected with it, but on the understanding that this exception to most-favored-nation or national treatment should not interfere with ocean-going steamers touching consecutively at two or more ports of the Republic.

Your Excellency states finally that Her Majesty's Government will agree that the provisions of the most-favored-nation Article proposed by them shall not include special arrangements entered into by Venezuela with neighboring countries with respect to traffic across the land frontier.

These premises being set down and taking into account, with reference to river navigation and coasting trade, that the Fiscal Laws of the Republic permit foreign vessels to take cargoes or passengers to two or more authorized ("habilitados") ports, or to receive them there, I see that the negotiation is about to terminate satisfactorily.

Upon the understanding, therefore, that we agree as to the points expressed and those which have not been made the subject of any particular remark, I hope that Your Excellency, according to the closing part of your note, will deign to have prepared and sent to me for examination a formal draft Treaty framed on that concluded between Great Britain and Paraguay on the 18th October, 1884, and on the results of the negotiation we have pursued.

In order to facilitate the accomplishment of such a work, I beg leave to enclose a draft Treaty elaborated upon the aforesaid basis.

I renew, &c.,

GUZMÁN BLANCO.

· Inclosure in No. 78.

Draft Treaty between Great Britain and Venezuela.

The Government of the United States of Venezuela, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the differences which have arisen respecting the meaning of certain stipulations in the Treaty between the Republic of Colombia and Great Britain on the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain signed on the 29th October, 1834, have appointed as their respective Plenipotentiaries, to wit: the Government of the United States of Venezuela;

And the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland;

Who, after having communicated to each other their full powers and found them in good and due form, have agreed upon the following Articles:—

Article I.

There shall be perfect peace and sincere friendship between the Republic of the United States of Venezuela and the United Kingdom of Great Britain and Ireland, and between the subjects and citizens of both States without exception of persons or of places. The High Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

Article II.

The Contracting Parties agree that in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

Article III.

The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty, which are imported from whatsoever place into Venezuela, and the produce and manufactures of as well as goods coming from Venezuela, which are imported from whatsoever place into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and in particular shall be subjected to no higher or other duties, whether general, municipal, or local, than the produce, manufactures, and goods, whencesoever arriving, of any third country the most favoured in this respect. No other or higher duties shall be levied in Venezuela, on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty on the exportation of any goods to Venezuela, than may be levied on the like exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, customs, formalities, brokerage, patterns, or samples introduced by commercial travelers, and all other matters connected with trade, British subjects in Venezuela, and Venezuelan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

Article IV.

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, and harbours of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects or any other privilege in matters of navigation, which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party, but it includes neither the internal navigation of rivers nor the coasting trade, nor special arrangements with regard to local trade entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

The vessels of the two Contracting Parties shall be at liberty to touch consecutively at two or more ports of the other, open to foreign commerce, for such purposes and under such requirements as have been specified and established by the respective laws.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

Article V.

The subjects or citizens of each of the Contracting Parties shall have in the dominions and possessions of the other the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

Article VI.

The subjects or citizens of each of the Contracting Parties, who reside permanently or temporarily in the dominions and possessions of the other, shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of property movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation,

exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heir may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher imposts, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

Article VII.

The dwellings, manufactories, warehouses and shops of subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for natives of the country.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects or citizens, and shall, like them, be at liberty to employ, in all cause, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

Article VIII.

The subjects of each of the Contracting Parties in the

dominions and possessions of the other shall be exempted from billeting, and from all compulsory military services whatever, whether in the army, navy, or national guard, or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and, finally, from forced loans and military exactions or requisitions of any kind.

Article IX.

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties, the protection of Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy, in the dominions and possessions of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of the United States of Venezuela shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Consuls or Vice-Consuls, or in any public edifice set apart for the purpose, their religious rites, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

Article X.

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power. Such Consular officers, however, shall not enter upon their functions until after they

shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or may hereafter be, granted there to Consular officers of the most favoured nation.

Article XI.

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or, in his absence, the Representative of such Consular officer, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul-General, Consul, or Vice-Consul or his Representative.

Article XII.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties residing in the dominions and possessions of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Article XIII.

Any ship of war or merchant vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage, without paying any dues other than such as would be payable in a similar case by a national vessel.

In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchan-

dise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Venezuelan Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon their being claimed by him within the period fixed by the laws of the country, and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of customs unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

Article XIV.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the United States of Venezuela, it is agreed that if at any time any interruption of friendly intercourse or any rupture should

unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the said Contracting Parties who may be established in the dominions or territories of the other in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe-conduct shall be given them to embark at the ports which they shall themselves select.

Article XV.

If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any differences which cannot be adjusted by the usual means of friendly negotiation, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third Power, or of the several Powers, in amity with both, without resorting to war, and that the result of such arbitration shall be binding upon both Governments.

The arbitrating Power or Powers shall be selected by the two Governments by common consent, failing which each of the parties shall nominate an arbitrating Power, and the Arbitrators thus appointed shall be requested to select another Power to act as umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the arbi-

trating Power or Powers shall be themselves (entitled to) determine it beforehand.

Article XVI.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to:—

The Dominion of Canada.

Newfoundland.

New South Wales.

Victoria.

South Australia.

Western Australia.

Tasmania.

Queensland.

New Zealand.

The Cape.

Natal.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in the United States of Venezuela to the Venezuelan Minister for Foreign Affairs within two years from the date of the exchange of ratifications of the present Treaty.

Article XVII.

The present Treaty shall continue in force during ten years, counted from the day of the exchange of the ratifications, and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

Article XVIII.

The present Treaty shall be ratified by His Excellency the President of the Republic of Venezuela and by Her Majesty the Queen of Great Britain and Ireland, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in London on the day of in the
year of our Lord

Earl Granville to General Guzmán Blanco.

FOREIGN OFFICE, June 18, 1885.

M. le Ministre :

I have the honor to acknowledge the receipt of your note of the 8th instant, forwarding the draft of a new Treaty of Friendship, Commerce, and Navigation between Great Britain and Venezuela, to replace the Treaties of 1825 and 1834, founded on the text of the Treaty recently concluded between Great Britain and Paraguay, and on correspondence which has passed between us.

I have the honor to submit, for your consideration, copies of this document in print, in order to avoid any misapprehension; and I beg to offer the following observations with respect to them. The words inserted in *italics* in Articles II, VI and XVIII appear to have been inadvertently omitted in the copy inclosed in your note. The clause in *italics* at the end of Article XV would seem to render that Article more explicit, and to be useful for this purpose. India should be included in the list of British Colonies and foreign possessions in Article XVI. It was omitted in the text of the Treaty with Paraguay as signed, but this error has been rectified in the exchange of ratifications.

I trust that the text of the proposed Treaty as printed, with the several corrections now specified, will meet with your con-

currence, and that you will be so good as to signify your consent to them at your earliest convenience, in order that the draft of the proposed Treaty may be referred to the Departments of Her Majesty's Government concerned.

I am, &c.

GRANVILLE.

Draft Treaty between Great Britain and Venezuela.—(Communicated by Guzmán Blanco, June 8, 1885.)

The Government of the United States of Venezuela, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the differences which have arisen respecting the meaning of certain stipulations in the Treaty between the Republic of Colombia and Great Britain of the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain signed on the 29th October, 1834, have appointed as their respective Plenipotentiaries, to wit:

The Government of the United States of Venezuela,

And the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,

Who, after having communicated to each other their full powers, and found them in good and due form, have agreed upon the following Articles:

Article I.

There shall be perfect peace and sincere friendship between the Republic of the United States of Venezuela and the United Kingdom of Great Britain and Ireland, and between the subjects and citizens of both States, without exception of persons or of places. The High Contracting Parties shall use their best endeavors that this friendship and good understanding may be constantly and perpetually maintained.

Article II.

The Contracting Parties agree that, in all matters relating to commerce and navigation, any privilege, favour, or immu-

nity whatever, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State shall be extended immediately *and unconditionally* to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favored nation.

Article III.

The produce and manufactures of, as well as all goods coming from the dominions and possessions of Her Britannic Majesty, which are imported from whatsoever place into Venezuela, and the produce and manufactures of, as well as goods coming from Venezuela, which are imported from whatsoever place into the dominions and possessions of her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and in particular shall be subjected to no higher duties, whether general, municipal, or local, than the produce, manufactures and goods, whencesoever arriving, of any third country the most favoured in this respect. No other or higher duties shall be levied in Venezuela on the exportation of any goods to the dominions and possessions of her Britannic Majesty, or in the dominions and possessions of her Britannic Majesty, on the exportation of any goods to Venezuela, that may be levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favored in this respect.

In like manner, in all that relates to local dues, customs, formalities, brokerage, patterns, or samples introduced by commercial travelers, and all other matters connected with trade, British subjects in Venezuela, and Venezuelan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most favored nation treatment.

Article IV.

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, and harbors of the two countries, pilotage, and generally to all matters connected with navigation.

Every favor or exemption in these respects, or any other privilege in matters of navigation which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party ; but it includes neither the internal navigation of rivers nor the coasting trade nor special arrangements with regard to local trade entered into by Venezuela with neighboring countries with respect to traffic across the land frontier.

The vessels of the two Contracting Parties shall be at liberty to touch consecutively at two or more ports of the other, open to foreign commerce, for such purposes and under such requirements as have been specified and established by the respective laws.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

Article V.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade-marks, and designs, upon fulfillment of the formalities prescribed by law.

Article VI.

The subjects or citizens of each of the Contracting Parties who reside permanently or temporarily in the dominions and possessions of the other, shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of *every description of* property movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof, if sold, freely and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

Article VII.

The dwellings, manufactories, warehouses, and shops of subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts except under the conditions and with forms prescribed by the laws for natives of the country.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or

taxes beyond those imposed on native subjects or citizens, and shall, like them, be at liberty to employ in all causes their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

Article VIII.

The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting and from all compulsory military service whatever, whether in the army, navy, national guard, or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and finally from forced loans and military exactions or requisitions of any kind.

Article IX.

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties the protection of the Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy, in the dominions and possessions of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of the United States of Venezuela shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Consuls or Vice-Consuls, or in any public edifice set apart for the purpose, their religious rites, services, and worship, and assemble therein for that purpose without hindrance or molestation.

Article X.

Each of the Contracting Parties may appoint Consuls-General, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or may hereafter be, granted there to Consular officers of the most-favoured-nation.

Article XI.

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or in his absence, the Representative of such Consular officer, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named, by the said Consul-General, Consul, or Vice-Consul, or his Representative.

Article XII.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Article XIII.

Any ship of war or merchant vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and

to continue their voyage without paying any dues other than such as would be payable in a similar case by a national vessel.

In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Venezuelan Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon their being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of customs unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

Article XIV.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the United States of Venezuela, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the other said Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offense against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands, than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe-keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe conduct shall be given them to embark at the port at which they shall themselves select.

Article XV.

If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any differences which cannot be adjusted by the usual means of friendly negotiation, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third Power, or of several Powers in amity with both, without resorting to war, and the result of such arbitration shall be binding upon both Governments.

The arbitrating Power or Powers shall be selected by the two Governments by common consent, failing which each

of the Parties shall nominate an arbitrating Power, and the Arbitrators thus appointed shall be requested to select another Power to act as umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the arbitrating Power or Powers shall be themselves (entitled to) determine it beforehand.

The award of the Arbitrators shall be carried out as speedily as possible in cases where such award does not specifically lay down a date.

Article XVI.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to:

The Dominion of Canada.

Newfoundland.

New South Wales.

Victoria.

South Australia.

Western Australia.

Tasmania.

Queensland.

New Zealand,

The Cape.

Natal.

India.

Provided always, that the stipulations of the present Treaty shall be made applicable to any of the above named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representatives in the United States of Venezuela to the Venezuelan Minister for Foreign Affairs within two years from the date of the present Treaty.

Article XVII.

The present Treaty shall continue in force during ten

years, counted from the day of the exchange of the ratifications; and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

Article XVIII.

The present Treaty shall be ratified by His Excellency the President of the Republic *of the United States* of Venezuela, and by Her Majesty the Queen of Great Britain and Ireland, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in London on the _____ day of _____, in the year of our Lord

General Guzmán Blanco to Earl Granville.—(Received June 25.)

194 QUEEN'S GATE, LONDON, June 22, 1885.

My Lord:

I have had the honour of receiving Your Excellency's despatch of the 18th, accompanying a copy in print of a draft Treaty of Friendship, Commerce, and Navigation between the United States of Venezuela and Great Britain, with certain corrections to which Your Excellency asks me to express my consent, in order to avoid any misapprehension.

I proceed accordingly to reply that I see no objections to adding to Article VI "every description of"; to Article XV "the award of the Arbitrators shall be carried out as speedily as possible in cases where such award does not specifically lay down a date"; and to Article XVI "India"; and to Article XVIII "of the United States of."

But I am not allowed to retain in Article II the words “and unconditional,” which I omitted on purpose for reasons explained in the correspondence.

On the contrary, I must ask for the reinsertion of the following words of my Article XVII—“ which, from the date of the exchange of its ratifications, shall be substituted for the one concluded between Colombia and Great Britain on the 18th April, 1825, and renewed with Venezuela on the 29th October, 1834.” I consider the re-establishment of that incident clause to be essential, for, if left out, a doubt at least would remain as to the repeal of the old Treaty, notwithstanding the differences between the same and the draft referred to.

The two preceding suggestions being admitted, the conclusion of the Treaty may be proceeded with.

I remain, &c.

(Signed) GUZMÁN BLANCO.

General Guzmán Blanco to Sir J. Pauncefote.

The Venezuelan Minister presents his compliments to Sir Julian Pauncefote, and, with reference to the remarks made yesterday by the latter as to the draft Treaty between the two countries, has the honour to reply that Lord Granville, the Secretary of State for Foreign Affairs, in a note of the 15th May, 1885, wrote to this Legation as follows:—

“In reply, I have the honour to inform you that her Majesty’s Government agree to the substitution of the phrase ‘Power’ to be chosen by the High Contracting Parties instead of ‘Arbitrators’ in the Article respecting ‘arbitration’; and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and not those only which arise on the interpretation of the Treaty.”

Let it be permitted to remember the words of Lord Salisbury, the present Prime Minister, and Her British Majesty’s Principal Secretary of State for Foreign Affairs, in stating

before the House of Lords, on the 6th instant, the policy of his Government :—

“It is not our business now to enter on controversial questions which may formerly have been raised. And still more, your Lordships will observe the very material restriction on our action and on our statements which arises from the fact that we have come into these matters right in the middle of them, and we are finishing or furnishing the end of that which others have begun. The consequence of that is that many pledges have been given, and the first duty of any Government, whether it is fresh or has lasted for a considerable time, or from whatever side of the House or party it is drawn, is to see that the pledges which the English Government have given, shall be observed.”

Her Majesty's Government have adopted on several occasions, for questions about territory, as the happiest solution of them, arbitration with the United States in 1827 and 1871, by Treaties in which two territorial disputes were referred respectively to the King of the Netherlands and to the Emperor of Germany. The judgment of the former produced no effect, the Arbitrator not having conformed to the terms of the compromise, and the parties settled afterwards the difficulty in 1842 by friendly agreement. The award of the latter was pronounced on the 21st April, 1872, and accepted and acted upon by the two nations concerned. In the second case, the Memorial presented by the American Plenipotentiary, George Bancroft, says:—

“Six times the United States had received the offer of arbitration on their northwestern boundary, and six times had refused to refer a point where the importance was so great and the right so clear.”

In regard to the other point mentioned by Sir Julian, General Guzmán Blanco repeats that he has proposed, as to the most-favored-nation clause, to suppress the word “unconditionally” only, for a new country like Venezuela needs to remain able to make particular concessions in exchange for those from other Powers, as a means of obtaining the advan-

tages required by her natural aspirations for progress, and which she could not acquire unless by paying equivalents.

194 *Queen's Gate, London, July 22, 1885.*

The Marquis of Salisbury to General Guzmán Blanco.

FOREIGN OFFICE, July 27, 1885.

M. le Ministre :

I have the honour to state that Her Majesty's Government have given their earnest consideration to the draft Treaty of Friendship, Commerce, and Navigation, the terms of which were in process of negotiation at the time of their accession to office; they have also had under their consideration the note which you were so good as to address to Earl Granville on the 22d ultimo.

I regret to have to inform you that Her Majesty's Government cannot meet your wishes with regard to the omission of the word "unconditionally" in the most-favored-nation clauses. They hold that those clauses have the same meaning, whether that word be inserted or not; but the present correspondence shows that the Venezuelan Government think otherwise and are of opinion that without it it would be competent for Venezuela to withhold from Great Britain any concession granted by the Republic to any third Power in consideration of some favour or concession received from it, unless Great Britain were to grant the like favour or concession to Venezuela. In his note of the 15th April, Earl Granville explained that it might not be in the power of Her Majesty's Government to grant the favour or concesssion granted by the third Power, and considering the freedom of trade, and the total absence of differential duties in this country, Her Majesty's Government consider that they are entitled to claim most-favoured-nation treatment from Venezuela. They are prepared, however, to consider whether it would be possible to consent to the exclusion from the most-favored-nation Articles of any particular favour which the Venezuelan Government might propose to except, as it may be found that they consist of local privileges

of importance only to the States contiguous to Venezuela. Such exceptions would not materially interfere with the general principal of most-favoured-nation treatment from which Her Majesty's Government are unwilling to derogate.

Her Majesty's Government are unable to concur in the assent given by their predecessors in office to the General Arbitration Article proposed by Venezuela, and they are unable to agree to the inclusion in it of matter other than those arising out of the interpretation or alleged violation of this particular Treaty. To engage to refer to arbitration all disputes and controversies whatsoever would be without precedent in the Treaties made by Great Britain. Questions might arise, such as those involving the title of the British Crown to territory or other sovereign rights which Her Majesty's Government could not pledge themselves beforehand to refer to arbitration.

I have the honour to inclose a printed copy of the Treaty with the amendments considered to be essential by Her Majesty's Government.

You will observe that some other but minor alterations have been made, but these are mostly matters of form, and call for no particular remark.

I have, &c.,
(Signed) SALISBURY.

Draft Treaty between Great Britain and Venezuela.

The President of the United States of Venezuela and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being desirous of concluding a Treaty of Friendship, Commerce and Navigation, to be substituted for the Treaty between the Republic of Colombia and Great Britain of the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain signed on the 29th October, 1834, have appointed as their respective Plenipotentiaries for that purpose, namely:

The President of the United States of Venezuela,

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India,

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:—

Article I.

There shall be perfect peace and sincere friendship between the United States of Venezuela and the United Kingdom of Great Britain and Ireland, and between the subjects and citizens of both States, without exception of persons or of places. The High Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

Article II.

The Contracting Parties agree that, in all matters relating to commerce and navigation, any privilege, favour or immunity whatever, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

Article III.

The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty, which are imported from whatsoever place into Venezuela, and manufactures, as well as goods coming from Venezuela, which are imported from whatsoever place into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and in particular shall be subjected to no higher or other duties, whether general, municipal, or local, than the produce, manufactures, and goods whencesoever arriving, of any third country the

most favoured in this respect. No other or higher duties shall be levied in Venezuela on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty, on the exportation of any goods to Venezuela, than may be levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, customs, formalities, brokerage, patterns or samples introduced by commercial travelers, and all other matters connected with trade, British subjects in Venezuela, and Venezuelan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

Article IV.

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation, which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other Party; but it includes neither the internal navigation of rivers nor the coasting trade, nor special arrangements with regard to local trade entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

The vessels of the two Contracting Parties shall be at liberty to touch consecutively at two or more ports of the other, open to foreign commerce, for such purposes and under such requirements as have been specified and established by the respective laws.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

Article V.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trademarks, and designs, upon fulfillment of the formalities prescribed by law.

Article VI.

The subjects or citizens of each of the Contracting Parties who reside permanently or temporarily in the dominions and possessions of the other shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of every description of property, movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof, if sold, freely, and without being subjected on such exportation

to pay any duty different from that to which natives of the country are liable under similar circumstances.

Article VII.

The dwellings, manufactories, warehouses, and shops of subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for natives of the country.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects or citizens, and shall, like them, be at liberty to employ in all causes their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

Article VIII.

The subjects of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting and from all compulsory military service whatever, whether in the army, navy, or national guard or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and finally from forced loans and military exactions or requisitions of any kind.

Article IX.

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties,

the protection of the Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy in the dominions and possessions of the other full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of the United States of Venezuela shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Consuls or Vice-Consuls, or on any public edifice set apart for the purpose of their religious rites, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

.....

Article X.

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities as are, or may hereafter be, granted there to Consular officers of the most favoured nation.

Article XI.

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or in his absence the Representative of

such Consular officer, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named, by the said Consul-General, Consul, or Vice-Consul, or his Representative.

Article XII.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Article XIII.

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage without paying any dues other than such as would be payable in a similar case by a national vessel.

In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall

be delivered to the British or Venezuelan Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon their being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of customs unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either, of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

Article XIV.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the United States of Venezuela, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the said Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or

demands, than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe-keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe conduct shall be given them to embark at the port which they shall themselves select.

Article XV.

If, as it is to be deprecated, there shall arise between the United States of Venezuela and Great Britain any controversies respecting the interpretation or the execution of the present Treaty, or the consequence of any violation thereof, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third Power, or of several Powers in amity with both, and that the result of such arbitration shall be binding upon both Governments.

The arbitrating power or powers shall be selected by the two Governments by common consent, failing which, each of the parties shall nominate an arbitrating Power, and the arbitrators thus appointed shall be requested to select another Power to act as Umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the arbitrating Power or Powers shall be themselves entitled to determine it beforehand.

The award of the Arbitrators shall be carried out as speedily as possible in cases where such award does not specifically lay down a date.

Article XVI.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to—

India.

The Dominion of Canada.

Newfoundland.
New South Wales.
Victoria.
South Australia.
Western Australia.
Tasmania.
Queensland.
New Zealand.
The Cape.
Natal.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by her Britannic Majesty's Representative in the United States of Venezuela to the Venezuelan Minister for Foreign Affairs within two years from the date of the exchange of ratification of the present treaty.

Article XVII.

The present Treaty, which from the date of the exchange of its ratification shall be substituted for that concluded between Colombia and Great Britain on the 18th April, 1825, and adopted and confirmed with Venezuela on the 29th October, 1834, shall continue in force during ten years, counted from the day of the exchange of the ratifications; and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

Article XVIII.

The present Treaty shall be ratified by his Excellency the President of the United States of Venezuela, and by Her Britannic Majesty, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in London on the day of , in the year of our Lord

General Guzmán Blanco to the Marquis of Salisbury.

PARIS, August 5, 1885.

My Lord:

I have had the honor to receive your Lordship's favour of the 27th July respecting the negotiations of a Treaty of Friendship between the two countries, with a modified draft.

In the first place, your Lordship informs me that the Government of Her Majesty cannot accede to my wish that the word "unconditionally" should be expunged from the most-favored-nation clauses, since even though without it they would have the same sense as with it, it appears from the same correspondence that the Government of Venezuela considers that by omitting this expression it could refuse to Great Britain concessions which it might make to another Power in return for an equivalent which Great Britain should refuse.

In the second place, your Lordship withdraws the arbitration clause applicable to all disputes arising between the two parties which had been settled with the previous Administration, and restricts it to those originated by the Treaty alone, on the score of want of precedents, and the possibility that questions might be presented involving the title of the British Crown to territory and other sovereign rights, which the Government could bind itself by anticipation to refer to arbitration.

With respect to the word "unconditionally," my instructions direct me not to admit it on account of the impossibility in which it would place Venezuela, of granting particular advantages to other States in exchange for others which it should receive from them, whether they were neighboring States or not.

With respect to arbitration, it appears to me that the new

Cabinet could not by itself alone repeal the Article to which its predecessor had given formal assent, and thereby placed it beyond its competence, and still less so, after your Lordship's declaration in the House of Lords, that the engagements of the previous Government would be respected. I should be pained to think that this declaration did not include Venezuela.

I think that boundary questions are of the number of those which it is most expedient to submit to the award of an impartial third party. As is shown in practice, other nations are also of this opinion; and that the same view is also shared by Great Britain, I think may be inferred from her action during 1829 and during 1872, in agreeing to submit two controversies respecting territory to the decision of the King of Holland and of the Emperor of Germany respectively. In the last case, it proposed the arbitration no less than six times to the United States, as they allege, and it was only the seventh time that they accepted this means of deciding whether or not the line should pass by the Haro Canal. It appears from the correspondence of the Venezuelan Plenipotentiary, Señor Fortique, that the same proposal was made to him orally for the termination of the dispute respecting Guiana.

In fine, arbitration, in addition to having been employed on various occasions by Great Britain, has been so favourably entertained in her Parliament and by her statesmen, and in the public opinion of the United Kingdom, that its general adoption could not fail to merit applause. Moreover, I proceeded in this matter conformably with the Constitution of Venezuela, which requires the Executive to stipulate for arbitration in comprehensive terms, and without any restriction.

I renew, &c.,

GUZMÁN BLANCO.

The Marquis of Salisbury to General Guzmán Blanco.

FOREIGN OFFICE, October 3, 1885.

M. le Ministre:

Her Majesty's Government have had under their consideration the observations which you did me the honour to make

to me in your note of the 5th August respecting the proposed Treaty between Venezuela and Great Britain. They regret that your instructions do not permit you to agree to the article granting to this country most favoured nation treatment in Venezuela in exchange for the same treatment already conceded to the latter by Her Majesty's Government, or to the limited form of Arbitration Article. Under these circumstances, I would ask you, M. le Ministre, to be so good as to refer the points on which differences have arisen to the Government of the Republic, as Her Majesty's Government cannot but hope that a perusal of the correspondence which I have had the honour to exchange with you on this subject will convince them of the justice and reasonableness of the opinions held by Her Majesty's Government, and thus lead to a modification of your instructions in a sense that will permit of the conclusion of a Treaty containing the stipulations which Her Majesty's Government desire, and which are those now usually adopted.

I have, etc.,

SALISBURY.

General Guzmán Blanco to the Marquis of Salisbury.—(Received October 20.)

ZURICH, October 12, 1885.

My Lord:

I have had the honour to receive Your Excellency's note of the 3rd instant, asking me to submit to my Government the points of disagreement in the negotiations for a Treaty, in the hope that that Government might modify my instructions in such a sense as would permit me to agree to the most favoured nation Article and to the limited Arbitration Article, as desired by the Government of Her Britannic Majesty.

As it is now more than a month since I submitted to the decision of my Government all that Your Excellency says in regard to the Treaty we are discussing, I expect every moment a clear and decisive answer, which will be my definitive instructions.

As soon as I receive these instructions, I shall write a note to your Excellency in the sense they indicate.

I have, &c.,

GUZMÁN BLANCO.

General Guzmán Blanco to Lord Salisbury.

LEGATION OF VENEZUELA, IN LONDON.

PARIS, December 17, 1885.

My Lord:

As I had the honor of making known to Your Excellency, I submitted to the Government of the Republic a copy of the correspondence I have carried on with your Department in respect to the negotiation of the Treaty of friendship, commerce, and navigation between the two countries as the fittest means of solving the pending difficulties.

I have just received the answer of the Minister for Foreign Affairs. By it the President of the Republic has been pleased to confirm the original instructions acted upon by me, and has moreover fully approved the communications I have addressed to Your Excellency.

Under these circumstances, I cannot but insist upon the most-favored-nation clause, with the condition that, in order to enjoy the privileges granted to a third Power, the same compensation in exchange for which they were given is to be made.

In regard to the arbitration clause as applicable to every difference, I once more invoke the arguments before alleged, and which enforce the conviction that it is a right acquired by Venezuela, since it having been preferred on her part and agreed upon on the part of Her Britannic Majesty, their mutual consent has originated an obligation, from which it is not lawful for either of the contracting parties to withdraw by its single will. I beg to make use of your own words in a speech delivered at Brighton on the 15th of October before a numerous audience, that is, before the tribunal of public opinion.

"After the fashion of some preachers, as his charges are somewhat numerous, I will venture to divide them into two

heads, and the first head is, those that are not true. The second head of those charges is, those that are founded on the *monstrous assumption* that it is our duty to break the promises of our predecessor as soon as we *get into office* . . .

“Now he (Mr. Chamberlain) has other charges. He says the financial agreement with Egypt, which we condemned as muddled and inadequate, has been carried out. Well, it was muddled and inadequate (*cheers*). I expressed that opinion in opposition, and all that I have learnt in office has only confirmed me in that view (*cheers*). But, unfortunately, it was an agreement to which England has set her hand, and Mr. Chamberlain’s intention, as I understand it, is that we ought to have torn up the agreement to which England has set her hand because our adversaries were in office at the time. I do not like to say what name would be applied to such a proceeding in private life. What would you think of a man who, through his agent, had come to a certain agreement, and, when the agent went away and another agent came, said: ‘I have changed my agent, and, therefore, I shall treat the agreement as having never taken place’ (*cheers*). There is no term of contempt and opprobrium which you would think too strong for such a man (*hear, hear*). Yet that is the standard of morality according to which Mr. Chamberlain desires that the affairs of England should be conducted (*hear, hear*). We do not approve of the principles of the Egyptian loan, but we approve still less of any action that is false to the pledged faith of England, and if Mr. Chamberlain says that at any time in our career in Opposition we have maintained the doctrine that you may disregard the pledged faith of England, because pledged by your opponents, I must again repeat the word, that is not true (*hear, hear*). And so in regard to their Afghan boundary. Mr. Chamberlain says that we did not approve of the Afghan boundary when in Opposition. No, we did not approve of it then, and were we tied by no engagements we should not approve of it now. But we found certain engagements in existence, and these we loyally carried out.”

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"Then I see that both Mr. Chamberlain and Sir Charles Dilke talk of Zanzibar. I am tempted to believe that Lord Granville never informed them of what was going on in the Foreign Office (*laughter*), because the same state of the case exists absolutely there. While the late Government were in office the Emperor of Germany announced to them that he had taken certain territories in Africa under his protection. Lord Granville not only expressed no objection, but said that he was perfectly willing to welcome the German efforts of colonization, and he proposed that a joint commission should be appointed to determine what were the true limits of the Sultanate of Zanzibar. That is precisely what we have carried out, and we have done nothing else. We have carried out the agreement which Lord Granville made during his time. The German Government informed him that a certain protest had been made by the Sultan of Zanzibar, and it would insist on its being withdrawn. That announcement was received with no objection by Lord Granville, and accordingly, the German Government has insisted on that protest being withdrawn; but we have, in adherence to the principle that the pledges of one Government must be completely and loyally carried out by its successors, simply carried out that to which our predecessors pledged the country; and we have done absolutely nothing else."

This Legation now respectfully asks only the application to Venezuela of those principles maintained by Your Excellency with so much dignity and nobleness.

I renew to Your Excellency the assurances of my most distinguished consideration.

GUZMÁN BLANCO.

To His Excellency the Marquis of Salisbury, etc., etc.

Gen. Guzmán Blanco to Lord Rosebery.

LEGATION OF VENEZUELA IN LONDON.

LONDON, June 19, 1886.

My Lord :

As my departure for Venezuela draws near, I am naturally

desirous of seeing definitively settled the questions I have been negotiating with that Ministry since my arrival in London, about the middle of 1884.

I refer especially to three questions : 1°. the additional tax of 30 per cent. on merchandise coming from the British Colonies ; 2°. the frontier between the territories of the two Guianas, and 3°. the pecuniary reclamations.

The first two points are resolved in the draft of the Treaty which has to substitute the incomplete and antiquated pact of 1825, by which it is established that in future the merchandise coming from British Colonies shall pay the same duty of importation as that coming from the metropolis, and that further any difference between the two Contracting Parties shall be decided by means of the arbitration of a Power in amity with both nations. And the third point, which refers to the reclamations, is dependent only on the assent of the Government of H. M. to the method of payment proposed by Venezuela, which consists in substituting the gradual amortization of the capital without any interest, as it is done now, by a Diplomatic Debt of 3 per cent. interest and with half yearly amortizations. This change has been considered advantageous by the other creditors of Spanish, German and French nationality, and nothing is needed but acceptance of the Government of H. M. for its being brought into execution.

I renew, etc.,

GUZMÁN BLANCO.

His Excellency Count Rosebery, Principal Secretary of State, etc., etc.

Lord Rosebery to General Guzmán Blanco.

[Retranslated from the Spanish.]

MEMORIAL 305.

FOREIGN OFFICE, July 20, 1886.

Sir :

I have the honor to acknowledge the receipt of your notes of 19th and 24th last month.

I am anxious to profit by your permanence in Europe for

the purpose of making every effort to come to an understanding with you about the questions which are matter of dispute between our respective countries, and, in conformity with the offer I made in my note of 23d last month, I send you now a memorandum of the bases according to which I should be disposed to enter into negotiations.

I feel assured you will acknowledge the spirit of reconciliation which the Government of Her Majesty exhibit in these proposals, and I hope you will meet them with the sincere wish to settle these unpleasant questions in a manner reasonable and satisfactory both to England and to Venezuela.

I have, etc.,

ROSEBERRY.

To His Excellency General Guzmán Blanco, etc., etc., etc.

Memorandum of the Bases of Negotiation.

[Retranslated from the Spanish.]

I.

BOUNDARY.

It is proposed that the two Governments shall agree upon considering as territory disputed between the two countries, the land situated between the two boundary-lines indicated respectively in the 18th paragraph of Senor Rojas's note of February 21st, 1881, and Lord Granville's note of September 15th, 1881, and to draw a dividing line within the limits of this territory, either by arbitration or by a mixed Commission, on the principle of equal division of said territory, and in due regard to natural boundaries. The Government of Her Majesty gives especial importance to the possession of the river Guaima by British Guiana, and wishes therefore to make the stipulation that the boundary line is to begin at the coast point, and a proper compensation to be found in any other part of the disputed territory for this deviation from the principle of equal division. In connection with the boundary, there shall be considered the cession of the island of *Patos* to Venezuela.

The river Orinoco shall be entirely free to commerce navigation.

II.

TREATY OF COMMERCE.

In the case of a satisfactory arrangement of the other pending questions, the Government of Her Majesty will be disposed to accept the clause of the "most-favored-nation" proposed by Venezuela, instead of the absolute clause, which until to-day this Government had insisted upon.

It will likewise be convenient to add in the Treaty the clause "by arbitration" proposed by Venezuela, limited to those differences that may arise after the Treaty is signed with exclusion of the questions of the boundary and the island of *Patos*, which the Government of Her Majesty is ready to consider separately in the manner before indicated.

The differential duties for the island of the Antilles shall cease as soon as the preliminary agreement between the two Governments has been signed.

The question of claims of indemnification for the imposition of these duties against the existing Treaty shall be submitted to an arbitration.

The Government of Her Majesty, with the assent of the British claimants, will agree to settle the reclamations of 1865 in a manner similar to the contents of the second article of the Agreement between France and Venezuela, signed the 26th November, 1885. Other pecuniary reclamation of British subjects against Venezuela shall be submitted to a Mixed Commission, or to an arbitration, unless they are disposed of otherwise.

LONDON, 29th July, 1886.

Sir :

I have had the honor to receive the communication of the Ministry, dated 19th last month and the memorandum therewith dated the 20th, containing the bases for an arrangement of the questions pending between our respective countries.

There are three of them, and the British Government has

connected them and requested their simultaneous and amicable solution.

In regard to the boundary, the Constitution of the Republic declares that the limits of the latter are the same as were those of the *Captaincy-General* of Venezuela in 1810, and in another of its articles it prohibits any alienation of territory. Both provisions combined render it impossible for the Government to enter into any agreement in the matter of limits, in the persuasion that the *Captaincy-General*, of which the Republic is the rightful successor, had in 1810 the Essequibo as frontier. There remains, for this reason, no other solution but arbitration, by which it shall be decided that the possession belongs to whichever has the better right. The exclusion, therefore, from arbitration of a question, in which it is most convenient and absolutely necessary for Venezuela, removes us farther from the hope of coming soon to an end. It must further be added, that the restriction of arbitration is by itself an obstacle to the signature of the Treaty of commerce, as there is in the same Constitution another article which imposes upon the Government the necessity of inserting the clause of arbitration in absolute terms.

Arbitration in this extension has been agreed upon between Venezuela and other nations: Italy, Spain, Belgium, Colombia, etc.

For the arrangement of the dispute in regard to differential duties, it will be sufficient to add to the Treaty a stipulation which puts the colonies on the same level with the metropolis, as has been proposed by Venezuela; and as the latter has decreed this tax in virtue of her sovereignty and without breaking any international obligation, as has been proved, she cannot submit to the decision of an arbiter the point whether she is responsible for the execution of the law.

The acceptance of the clause of the most favored nation in the terms requested by Venezuela would be completely satisfactory if it were not dependent on her consenting to the propositions referring to the other questions.

The Treaty of 1825, and of 1834, which was left deficient in

order to be completed by a new negotiation that was to take place without delay, as it is stated in the 14th article, cannot be considered binding sixty-one years after its having been signed, so much the less as the Republic during more than four decades has been making efforts to fix the time of its duration, which undoubtedly was one of the principal articles omitted.

The arrangement as to the manner of paying the reclamations cannot be submitted to the assent of the private creditors, because their claims were converted by the conventions of 1865 and 1868 into a Diplomatic Debt of the Government of Venezuela to the Government of Her Britannic Majesty.

In the annexed memorandum I have explained more extensively the state of things.

It remains only to express my sorrow to see that the well meant, sincere, and amicable efforts of two years have not produced the result which was to be expected, and that I shall return to my country with the dissatisfaction of leaving the question pending, such as it was before my arrival, or rather worse, for it will be impossible to continue the threefold negotiation which is now suspended, until the person who may come to substitute me has studied sufficiently the voluminous and difficult dispatches in which it is contained, and acquired the various and profound knowledge which is connected with these questions. I remain, &c.

GUZMÁN BLANCO.

To His Excellency the Principal Secretary of Her British Majesty in the Department of Foreign Affairs, etc., etc., etc.

Memorandum.

The Government of Her British Majesty made in 1883, through the British Legation at Caracas, to Venezuela the proposal of a simultaneous and amicable arrangement of the three following questions, viz.: Limits, Differential Duties or Treaty of Commerce, and Pecuniary Reclamations. The idea was gladly accepted, and the President of the Republic sent General Guzmán Blanco to London, with the sincere intention to

bring the negotiation to an end. The Envoy arrived in this country in July, 1884. He at once began to take the steps conducent to the object, and about the middle of 1885 the proceedings were so far advanced that there remained only pending the discussion about the clause of the most favoured nation and about the manner of paying the claims. The acceptance of Arbitration had opened the way to the solution of the boundary question; the conclusion of a new Treaty of Commerce was to remove the difficulties arising from the antiquated pact of 1825, and the British Colonies were sure to obtain the same treatment as the metropolis; and by the admission of the notes of the Diplomatic Debt the general fulfillment of a law of Venezuela was to be achieved, advantageous both to debtor and creditors. In this state of things a political change took place, and the successor of Lord Granville withdrew the article on general arbitration, although it had been agreed upon by both parties. It was in vain that the Venezuelan Legation insisted upon the compliance with the word given by the anterior administration, notwithstanding the chief of the new Ministry had proclaimed the necessity of redeeming the promises of the Government, even if they were made by their predecessors; and thus the Republic did not obtain what was conceded to Russia.

Meanwhile some grave events had taken place in the Republic, where two vessels under British flag, one with an English crew and officers, as has been proved before one of the courts of this city and commented upon by the daily papers, had landed a revolutionary invasion, proceeding from London and Port-of-Spain. These circumstances were little favourable to the continuance of that friendly intercourse. The Legation took up its work again when the danger had been removed, not by any repressive measure of Her British Majesty's functionaries, but by the bravery and loss of life of Venezuelan citizens. Nor was the Legation checked by the consummation of other doleful acts executed by order of the Governor of the British Colony of Demerara, which had produced an extraordinary excitement in the Republic, the territory of which

had been invaded by official commissions, directed to penetrate into various places, to put up public notices and other signs of authority, and even to seize a police officer and to conduct him off for the purpose of submitting him to trial. The Minister has referred to these occurrences in a special note bearing the number 350.

His last note requesting the arrangements of the three pending points, in hope of which he has delayed his return to Caracas, although since the 27th of April he is the President-elect of the Republic, is answered now in such a manner, that the possibility of an understanding between the two parties appears to be farther off than before.

In fact the pretension is brought forward that the boundary lines indicated in Señor Rojas's note of February 21, 1881, and in Lord Granville's note of September 15th, 1881, being taken as the extremes, the territory situated between these lines should be considered as under dispute, and a new boundary line be drawn within said limits, either by arbitration or by a mixed commission, on the principle of equal division of said territory and in due regard to natural limits. However, as Great Britain attaches much importance to the possession of the mouth of the Guaima, it is desired that the line, on the shore-end, shall begin at the west of that point, a compensation for such divergence from the principle of equal division having to be found within the same territory. It is promised to connect the cession of the island of Patos with the boundary question, and finally the request is made that the Orinoco shall be entirely free to commerce and navigation.

The acceptance of these propositions made by Lord Rosebery would decide, once forever, and in a manner unfavourable to Venezuela, the question of the right of dominion, always maintained by the Republic, as far as the Essequibo. If Venezuela could do as much, there would be no need of a Mixed Commission, nor of an Arbitration for the purpose of dividing equally the portion of the territory which it is endeavored to declare as being in dispute. Venezuela has repeatedly held forth to Great Britain her inability to alien-

ate any part whatever of the territory of the Republic, such a thing being explicitly prohibited by the Constitution; so that there remains but arbitration for bringing the dispute about the boundary to an end.

It is pertinent to observe that the Republic since 1841 has been urging the Cabinet of Her Britannic Majesty to come to an arrangement in the controversy of limits, and that Lord Aberdeen in 1844, at the time Minister of Foreign Affairs, proposed a line which, after having been modified, is as follows: "Beginning on the coast at the mouth of the river Moroco, it runs straight to the point where the river Barima joins the Guaima; from there up the Barima as far as the Aunama, which it follows upwards to the place where this creek reaches its shortest distance from the Acarabisi; then it descends the said Acarabisi as far as its confluence with the Cuyuni, following afterwards the last river up-stream until it reaches the high lands in the immediate neighborhood of Mount Roraima, which divides the waters flowing to the Essequibo from those running into the Rio Branco."

This proposition was not accepted, not only on account of its being in discrepancy with the rights of Venezuela, but also as it appears to make a cession to Venezuela of what she claims as her own, and besides under the onerous condition, restrictive of her right of property, of never alienating to any foreign Power, any part whatever of the ceded territory. It was further requested that the Indian tribes living there at the time should be protected against all oppression and ill treatment. The death of the Venezuelan diplomatic Agent interrupted then the course of negotiations, which was urgently taken up again in 1876 in two separate notes, with the inclusion of the question of the island Patos. The 16th February, 1877, Lord Derby acknowledged the receipt of both these communications, and supposing that the Minister, Señor Rojas, would bring instructions in regard to the contents of these notes, limited himself to say that his Government would always be much pleased to receive, and to consider with due attention, whatever communications the Government of Venezuela

should think proper to send through Señor Rojas, or the Minister Resident of Her British Majesty at Caracas.

The said Agent, Señor Rojas, took several steps in the matter and presented, the 21st February, 1881, on his own account, propositions of agreement, which were rejected by Lord Granville the 19th September of the same year, and substituted by the following one: "The starting point shall be fixed in a place on the seacoast distant 29 miles due East from the right bank of the river Barima and from there the line shall run towards the South, passing over the mountain or hill called Tarikita on the original map of Schomburgk situated in 8° Lat. North; thence to the west on the same parallel of latitude, till it intersects *the boundary line proposed by Schomburgk*, and laid down on the said map; farther on, it shall follow the course of the Acarabisi to its confluence with the Cuyuni, and then the left bank of the river Cuyuni up to its head waters, whence it shall turn to the South East, meeting *the line proposed by Schomburgk to the Essequibo and Coranteny.*"

Lord Granville said of this boundary line, in the memorandum in which he proposed it, that it satisfied the reasonable pretensions and exigencies of Venezuela, and prevented all occasions of further disputes; that such a line left to the Republic what might be called the Dardanelles of the Orinoco, the complete dominion of its mouth, and nearly one-half of the disputed territory, whilst it insured to British Guiana a natural frontier well defined in almost its whole length, with the exception only of the first fifty miles from the sea into the interior, where it would be necessary to trace an arbitrary line, in order to give Venezuela the undisturbed possession of the mouths of the Orinoco. He further added that this line did not deprive the Republic of any territory actually peopled and occupied by Venezuela, and finally that it would be understood by the Indians and other inhabitants, as it ran on the banks of the Cuyuni from its origin down to its confluence with the Acarabisi, and along the latter up to its head waters and thence over the mountains, which in a northern direction extend towards the sea.

It appears from these statements that in the course of time the propositions of the Government of Her British Majesty have become more and more unfavorable. In the two initial cases it was intended to leave to Venezuela the free possession of the mouths of the Orinoco, it being recognized that this was a reasonable pretension and exigency; whilst in the third proposition endeavours are made to limit her right in this respect by the demand of full liberty to navigate the great river for commercial purposes. On the other hand, it is evident that the line proposed merely favours the interests of British Guiana, sets aside not only the question of right, but also the interests of Venezuela.

Considering now that the Orinoco in its whole extension runs through Venezuelan territory, it has evidently the character of an inland river, subjected to exclusive dominion; Venezuela has therefore the right to regulate, and has always regulated its navigation and commerce in accordance with whatever she has believed convenient to her interest. She has constantly maintained the same principles invoked by Great Britain in the memorable discussion with the United States of America in regard to the navigation of the St. Lawrence River, by which the great lakes of that Republic discharge their waters into the ocean. The Legislation of Venezuela has hitherto opened the use of the national rivers to a foreign flag only in some special cases for a limited time, and on the condition of reciprocal concessions.

To conclude, Venezuela revindicates to-day, as she has done formerly and in particular in the Presidential Message of 1877, her rights on the territory as far as the Federal Constitution prohibits absolutely the alienation of any territory of Venezuela. Her Government cannot accept any transaction, whatever it may be, nor is there to be found any other way of removing the difficulty, except by appealing to an arbitration.

With reference to the island of Patos, it has been proved that on account of its being nearer to the coast of the Republic than to that of England, as well as for other reasons, it must belong to Venezuela, and not to Great Britain. Its in-

clusion under the jurisdiction of the *Ayuntamiento* of Trinidad by the Spanish Governor, which has been alleged *in contra*, has not been confirmed, as it was indispensable for the validity of the plea by the Royal Court of Spain.

The Government of Her Majesty offers to accept "the clause of the most-favoured-nation" in the terms proposed by Venezuela, but only under the condition that the other questions be arranged in a satisfactory manner; however, it is apparent, and will always be so, that the difference between the two parties is growing wider every day.

It is also offered to add in the Treaty of commerce the clause referring to the arbitration proposed by Venezuela, provided it be limited to the differences that may arise after the date at which the Treaty be signed, and with the exclusion of the question of the boundary as well as that of the island of Patos, to which is to be applied the special method pointed out before. But the boundary question is precisely the most important which ought to be submitted to an arbitration, as it is at the same time the most adequate for such a proceeding; just as Great Britain has done in several cases of the same nature with the United States of America and quite lately in that of the "Haro Channel," which was referred to the arbitration of the Emperor of Germany, and decided by him; and it is a notable circumstance that the Government of Her Majesty has appealed as often as six times to this manner of adjusting the dispute.

It must likewise be considered that the Article 102 of the Constitution of Venezuela orders the Executive Power to insert into the Treaties the cause of arbitration for whatever differences may arise between the two contracting parties, without admitting of exceptions of any kind. It appears herefrom that the President can neither accept, nor Congress approve, a Treaty which does not contain such a stipulation, or includes it with certain restrictions.

In regard to the differential duties, it is pointed out that they shall cease as soon as the preliminary agreement between the two Governments be signed. The Minister of Venezuela has

stated from the beginning, and constantly, that he is disposed to put the English Colonies on the same level with the metropolis, by means of the addition, in the new Treaty, of an article which expresses it explicitly.

The novelty is now introduced of proposing an arbitration to decide the question of claims for indemnification, on account of the imposition of these duties against the existent Treaty.

The Government of Venezuela kept up a correspondence with the British Legation at Caracas, from 1882 to 1883, in order to explain and to justify the legitimate right of the Legislature to establish the additional tax of 30 per cent. on all merchandise coming from the English Colonies in the Antilles. The attention of the British Government is called to the discussion, so much the more so as the last note of the Minister of Foreign Affairs of February 7th, 1883, has not been refuted hitherto, and it was the next step of the Government of Her Majesty to combine this question with those of the boundary and pecuniary reclamations, and to demand their simultaneous and amicable arrangement.

It will be serving the purpose to recollect the substance of the controversy. A law of Venezuela, of 1881, imposed an additional duty of 30% on all merchandise coming from the Colonies. Lord Granville was of the opinion that in regard to Great Britain, this was a breach of the Treaty concluded in 1825 with Colombia, and renewed in 1834 with Venezuela. He maintained that by the fourth article of this Treaty, it was prohibited to impose on the importation into the ports of Venezuela, of articles being the growth, produce or manufacture of the dominions of Her British Majesty, other or higher duties than those which are or may hereafter be payable on similar articles, being the growth, produce, or manufacture of any other foreign country. It was argued that in consequence of the new law, merchandise imported directly from the British Colonies in the Antilles, shall have to pay higher duties than similar articles coming from other countries, and that in the case of such merchandise being the growth, produce or manufacture of the dominions of Her British Majesty, the application of the

law was incompatible with the stipulations of said Treaty. It is apparent herefrom, first of all, that there is no motive for complaint if the taxed merchandise be of foreign origin, though it may come from the Colonies; and further that there would be no breach of treaty if the tax were not limited to the British Colonies, but applicable to all, without distinction of nationality, inclusive even of Venezuelan merchandise. Moreover, the stipulations referred to would not have been trespassed, if the territory of the English Metropolis had been included in the duty, provided all the other Powers were to be included too. It has also been proved that, by the third article, reciprocal liberty of commerce was established between Colombia and the territories of H. B. Majesty in Europe, so that the text excludes the Colonies, which might have been, but were not mentioned in it. The difference has been insisted upon, which always has been made between the metropolis and the Colonies, the latter holding a situation less favourable than that of the former; and it has been observed that in the political language of Great Britain the words "Colony" and "Dominion" do not signify one and the same thing. It has also been shown that in the article 3d mentioned before, H. B. Majesty allows the Colombians the same liberty of commerce and navigation which is stipulated for the dominions of H. Majesty outside of Europe, in the same extension in which it is allowed to any other nation; and herefrom it follows that an inequality was established between the commerce with the metropolis and the commerce with the Colonies. Finally the significative fact was called to mind that when in 1825 the Treaty between Colombia and Great Britain was concluded, there existed in that Republic differential duties for the Colonies, which continued after the ratification of the Treaty, without the cabinet of London thinking it worth the while to make any observation about it, which proves that this point was then understood in the same manner as now maintained by Venezuela.

The President of the Republic, with a spirit of reconciliation, issued the 22d January, 1883, a Decree, that the tax was

not levied on all those productions and manufactured articles which, having been embarked in Europe or the United States of America with destination to the ports of Venezuela, in accordance with the formalities prescribed in the Law about the transaction of business in the Custom-Houses, should arrive by transit in the Colonies, in order to be transhipped there, or to be deposited until being taken to the ports of Venezuela in other vessels.

This modification has attenuated the effects of the measure to the benefit of the Colonies.

The Government of the Republic has been not less disposed to add in the Treaty of Commerce an article for the purpose of exempting from differential duties all the importations from the British Colonies, as far as they are not prohibited in Venezuela.

It is a matter of urgency that the Treaty of 1825-1834 should expire; because, besides its being antiquated, as it was called by Lord Granville, it is impossible that stipulations in regard to navigation and commerce should have a character of perpetuity; they cannot remain stationary, but needs must follow the current of human events. The contracting parties themselves declared that the Treaty was incomplete, and they intended carrying on the negotiations without the shortest delay, in order to add the omitted articles, one of which being evidently the fixation of the time the Treaty was to be valid. This has not yet been done, although since then sixty-one years have passed and Venezuela has urgently requested it long ago; whilst it was conceded to New Granada, like herself an heir to the Treaties of Colombia, already in 1866.

It is satisfactory that the Government of Her Majesty with respect to the claims recognized in 1865, has resolved to agree upon an arrangement similar to the contents of the 2d Article of the convention made between Venezuela and France, the 26th November, 1885.

But it does not appear advisable to make it dependent on the assent of the private creditors; because these claims are not any longer a private affair, since they have been converted

into international arrangements. The parties interested have had time to express their opinion about the proposed change and there is no doubt that it is as favourable as were the opinions of the German, Spanish and French claimants. There can indeed be no vacillation whatever; on one side, a slow amortization, by small sums, of the capital of a debt without any interest, and not simultaneously for all the creditors, but successively for the two classes in which they are divided;—on the other, full payment of the whole amount in notes bringing interest, and therefore salable in the money market.

In the case of there existing any other pending reclamations of subjects of Her Majesty against Venezuela, the Government will not deny their being submitted to the decision of a Mixed Commission, in the same manner as has been done with some French claims in the recent agreement made in Paris, but, of course, under the conditions specified in its Fifth Article.

UNITED STATES OF VENEZUELA.

LEGATION IN LONDON.

LONDON, July 28, 1886.

My Lord:

It is some time since the Government of the United States of Venezuela communicated to me the order to enforce before the Cabinet of H. B. Majesty the reclamations made first at Caracas, against the repeated acts of violence committed by English authorities in the territory of Venezuela. I have waited till now that the Cabinet of the Queen, taking in consideration the just complaints of the Republic, would, after the necessary information, dictate the measures of satisfaction which these offences demand. But as this has not been the case, I proceed to expose the reasons of the urging requests of the Executive Power.

I must begin by saying that the facts committed in detriment of Venezuela are impossible to be justified, and as they go out from agents of a great and powerful nation, with which

the Republic has lived in long and cordial amity, it is very natural that they have excited considerable public opinion and roused feelings which had been silent since 1841.

If Your Excellency be pleased to order that the respective documents be brought to view, it will be found that Engineer Schomburgk, in charge of a scientific commission in Guiana, traveling at that time over the country, erected arbitrarily in Barima and other parts, posts as signs of the British dominions in those places, as if one of the parties in an international dispute, could resolve *per se* and *de facto*, without any contradictory discussion, a controversy with the other having the same attributes, viz., sovereignty and independence. However, this arbitrariness was not approved; on the contrary, the Government of Her British Majesty, listening to the voice of reason, gave, in honor to themselves, the necessary explanations, and moreover ordered the posts and emblems to be removed.

The President of Venezuela wishing to prevent in the future the repetition of such grave events, and to shut up for ever the fountain of differences and difficulties, set to work at once with the greatest interest for the arrangement of the question of the frontiers between the two countries. The negotiations were opened at first by the Minister Plenipotentiary, Dr. Alejo Fortique, but no result was arrived at, on account of his untimely death in 1844. From that time till today, some steps have been taken in order to bring the matter to an end, and Venezuela has seen with sorrow that lately a proposition has been made by Great Britain, which is less favorable than the one presented spontaneously by Lord Aberdeen to Dr. Fortique, without there being known anything in regard to the cause of such difference. The Republic, for her part, considering the mutual advantages of arbitration, adopted by Her Majesty in similar cases, and besides prompted by constitutional precepts, has appealed more than once to a procedure recommended by the Chambers, the statesmen, and the public opinion of the United Kingdom of Great Britain and Ireland, as well as by the whole civilized world.

Mr. Belford Hinton Wilson, Chargé d’Affaires of Great Britain in Venezuela, referring to the rumor which had spread in 1850, that England intended claiming Venezuelan Guiana, took great interest to contradict it, and declared in an official note of the 11th November, that not only was it absolutely and completely groundless, but that precisely the contrary was true. In addition to which he expressed himself in the following terms:

“The Venezuelan Government, in justice to Great Britain, cannot mistrust for a moment the sincerity of the formal declaration which is now made in the name and by the express order of Her Majesty’s Government, that Great Britain has no intention to occupy, or encroach upon, the territory in dispute; therefore, the Venezuelan Government, in an equal spirit of good faith and friendship, cannot refuse to make a similar declaration to Her Majesty’s Government, namely, that Venezuela herself has no intention to occupy or encroach upon the territory in dispute.”

Further on says Mr. Wilson in the same note:

“Her Majesty’s Government, as above stated, will not order or sanction such occupations or encroachments on the part of the British authorities; and if at any time there should be any error about their determination in this respect, the undersigned is persuaded that they would willingly renew their orders on the subject; he is then satisfied that, in accordance with the friendly suggestions of Her Majesty’s Government, the Government of Venezuela will not hesitate to send to the Venezuelan authorities positive orders to refrain from taking measures which the British authorities may justly consider as aggressions.

The Government of the Republic complied with his desire, and disclaimed intention to occupy or usurp any part whatever of the territory, the dominion of which was a matter of dispute, adding that it would not be seen with indifference, if Great Britain should proceed otherwise. According to this promise, the authorities of Guiana were instructed to abstain from any

steps which might infringe the engagement contracted by the Government and possibly have lamentable consequences.

This agreement has been in force till now without any alteration; no term was fixed for it, nor have any of the two parties since then made to the other the least communication concerning the matter.

If such an agreement has any signification whatever, it is clear that neither Great Britain nor Venezuela were allowed to occupy the disputed places, the specification of which ought to have been an integrant part of the agreement; but this was not done. However, the rational meaning of the latter is in its bearing upon the maintenance of the *statu quo*. In this sense it has been understood by the Republic, and therefore the British were left provisionally on the territory claimed by Venezuela as far as the Essequibo, of which they had *de facto* taken possession.

Great Britain, on the contrary, has been advancing in its occupation of the territory, and this conduct, as well as the recent actions of its authorities, prove that the spontaneous declaration mentioned before had passed recollection.

At the time the question of the frontier between Venezuelan and British Guiana was ventilated, Lord Aberdeen, then First Secretary of State of H. B. M. in the Department of Foreign Affairs, spontaneously proposed in reply to the claim made by the Plenipotentiary, Dr. Fortique, in regard to the Essequibo line, that the frontier should begin on the coast at the mouth of the river Moroco and follow the latter up-stream, etc. It follows herefrom that the British pretensions, at the utmost, could not go farther, for it would be an absurdity as inadmissible as discreditable for the illustrious members of the Government at that time, to suppose that the Cabinet of H. M. did not know then that the boundary line should go as far as the Orinoco.

Venezuela, however, did not accept the proposition. But now, forty years after these events, and notwithstanding that England to-day cannot have any more right than its predecessor Holland had in 1814, when the cession of part of Dutch Guiana

took place, it is pretended that Great Britain is entitled to exercise jurisdiction as far as the right bank of the river Amacuro.

But let it even be supposed for a moment, that such were the aspirations of Her Majesty's Government, it was certainly not permitted that, after the promise not to occupy, nor to usurp the disputed territory, officers of the British navy and civil authorities should commit actions like those consummated at the principal mouth of the Orinoco and in other places, mindless of the sovereignty, laws, and authorities of Venezuela. Some English functionaries requested in October, in 1884, the assistance of a pilot to enter the river, and as this request was denied to them on account of their not being bound for any port of the Republic open to foreign commerce, they continued quietly in their voyage, penetrated into places which always have belonged to Venezuela, erected posts with the notice of such places being under the British law, removed functionaries of the Republic, substituting them by others of their own selection, intended enlisting the services of Venezuelan officers, and promised to return with larger forces to make effective their orders. They returned, indeed, and continued in their proceedings, without taking any notice whatever of the protests of the Venezuelan authorities. Not satisfied herewith, they arrested an officer of the Republic, under the pretext that he was guilty of misdemeanor for having ill-treated a Portuguese subject; and being brought before a tribunal at Demerara, he was sentenced to punishment, which has been executed. This man is named Roberto Wells, held the place of Commissioner of Amacuro, and was captured by trickery.

These facts need no other proof but the following: The Government of the Republic appointed General Federico Puga to make an inquiry into what had happened. He visited the places where the events had occurred, and having met at Morajuaña Mr. Michael McCurk, he asked him first verbally, and then by writing, about the affair. This person, who gives himself the title of "Acting Special Commissioner and Superintendent of the Crown Lands and Forests in the District of

the River Pomeron," answered the 4th April in the following terms:

MORAJUANA RIVER, BRITISH GUIANA.

April 4, 1885.

I have been on Rivers Amacuro, Barima, Morajuana, and Waini and have placed notices in English at the principal points on said rivers. I regret not to have a copy of those notices to send to you; but, as they were removed by the employees of the Manoa Company, you may probably be able to get one from them. The notices were posted once only by order of His Excellency the Governor of British Guiana.

The name of the steamer in which I came was the "Lady Longden," Captain Paisley. I have been several times on the aforesaid rivers after having posted the notices, but in the discharge of my functions of Magistrate in charge of the district of which they form a part.

Roberto Wells was sentenced by the Supreme Criminal Court of the Judelie sessions, Essequibo river, on the 20th of February last, for an assault committed (I believe in October last) upon the person of a Portuguese subject at River Morajuana. I never heard that he was a Police official for the Government of Venezuela, but I did hear that he was an employee for the Manoa Company, as I was told by Wells himself.

I did not require a pilot for the Amacuro, neither did I ask for the services of one for the Orinoco.

I have the honor to be, sir, your obedient servant,

MICHAEL MCTURK.

Special Magistrate pro tem. and Superintendent of the Crown Lands and Forests in the District of the River Pomaron.

Señor F. Puga, Commissioner for the National Government of Venezuela.

Here it is manifestly recognized, 1st, that Mr. McTurk visited the rivers Amacuro, Barima, Morajuana, and Waini, and that he put up English notifications in the principal places; 2d, that he did so by order of His Excellency the Governor of British Guiana; 3d, that he went in the steamship "Lady

Longden", Captain Paisley; 4th, that he has visited repeatedly those rivers, after having put up the notifications; although he adds, that he did so in virtue of his office as Acting Commissioner of the District to which they belong; 5th, that Roberto Wells was sentenced by the Supreme Criminal Court during the sessions at Judelie, River Essequibo, the 20th February last, for having made an assault, as it is reported, on the person of a Portuguese in the river Morajuana (in October, 1884); and, 6th, that he did not need a pilot for the river Amacuro, nor requested the services of any one for the Orinoco.

With respect to the last points, this statement of Mr. McC Turk is contradicted by several witnesses; however, it shall be set aside for the moment, in order to expose the transcendence of the proceedings of the said person, in his character as a public British functionary.

At first sight it is clear and evident that the most sacred attribution of the Republic, viz: its territory, has been violated by British officers by order of the Government of Guiana, and not accidentally, but with deliberate purpose, and in midst of the amity which was established by a solemn pact.

In the second place, there has been committed an infraction of an agreement, conceived and proposed to Venezuela since 1850 by Great Britain, which was only accepted by the Republic with deference to the desires of H. M., and for the purpose of preventing in the future, until the question of the frontier should be settled definitively, any difference that might be hurtful to the good relations between the two parties.

The Governor of British Guiana has infringed the orders he must have received formally, and which later on must have been repeated of not making any usurpation nor occupation; as the Government of H. M. had promised neither to ordain nor to sanction any such proceeding of their authorities, and declared to be ready to renew willingly their orders concerning this matter in the case of there occurring any misunderstanding in regard to this point.

At the same time is there an infraction of the declaration made in the name, and by special order, of the Government

of H. M., viz., "that Great Britain had no intention to occupy nor to usurp the disputed territory."

As this agreement refers to those parts of the Territory which are the subject of a dispute, it must likewise and with more reason be applicable to places of undoubted ownership, which have always been in the rightful possession of their owner. Such is precisely the case with some of those places, where English functionaries executed jurisdictional acts, and where never any other Government but that of the Republic has been known. The very circumstance of it having appeared convenient to put up notifications and other signs of the British dominion proves that it was intended to speak to the eyes of the inhabitants, giving them to understand that some novelty was to be introduced. For the same purpose Mr. McTurk was sent to places which did not belong to the district under his jurisdiction.

Although the said Mr. McTurk assures that he did not ask for a pilot to sail up the Orinoco, there is the statement of the officers of the Light-Ship, who affirm the contrary, and who did not comply with his request, as his voyage was not directed to any port open to foreign commerce. He however, did not take notice of this formality, and continued his voyage at the risk of coercitive measures to prevent the consummation of an offence against the rights of Venezuela. The laws do not permit the entrance into the Territory but through the ports qualified for this respect; and even if Great Britain owned possessions, the access of which were only possible through the lands or waters of the Republic, it would be necessary to comply with this formality. The Orinoco is an inland river, which only can be entered by vessels under certain conditions, and with the indication of those places where it is allowed to land or to drop anchor.

There exists moreover a law prohibiting foreign men-of-war the entrance into ports not open to foreign commerce, unless it be for scientific purposes, and in this case only with the previous permission of the Executive Power. This law was notified in 1882, although there was no necessity for doing

so, to the foreign nations represented in Caracas, and amongst them to Great Britain.

The gravity of the case increases when it is considered that a functionary of the Republic was arrested in its own territory, and without notice being taken of his authority; that he was called under false pretenses on board a British vessel, where he was told he was a prisoner; that he was taken to Demerara, brought to trial, and sentenced to punishment which was executed, for the misdemeanor of having ill-treated a Portugese subject. The majesty of the Nation has been offended by such a proceeding against the person of Mr. Wells, who was its commissioner. If he did anything wrong in exercising his commission, he only was responsible for it to the qualified judges of Venezuela, and by no means before the tribunals of a foreign country, to the laws of which he was not subject. It is difficult to understand, why his cause was not dismissed as soon as he alleged his character as a Venezuelan functionary, and the deed he was accused of had been an act of his legitimate jurisdiction within the territory of the Republic. In case that such jurisdiction should have been unduly conferred on him, the consequences were for the Republic, his constituent, and had not to fall back on a subordinate who acted on behalf of another one. And even if he had been a private delinquent, his actions were only subject to the sovereign of the territory where they had been committed, and not to the authorities of Demerara, who sentenced and punished him.

The functionary who was on board the mentioned man-of-war of H. B. M. entered the mouth of the Orinoco, arrived at the Light-Ship and asked for a pilot to sail up the river: and as this request was denied by the officers of the Light-Ship, on account of the steamer not being bound for any port open to foreign commerce, he sailed on without a pilot as far as the "Amacuro" and next day to "Guaima" by the channel of "Barima," leaving at all the places touched the following notification:

GOVERNMENT NOTICE.

Notice is hereby given that any persons infringing the right of Her Majesty, or acting in contravention of the laws of British Guiana, will be prosecuted according to Law.

By Command,

FRANCIS VILLIERS.

Acting Government Secretary.

Georgetown, Demerara,

16th October, 1884.

Printed at the Royal Gazette Office.

All this happened in October, 1884, since the 18th of the month. From that time onwards the Venezuelan territory was repeatedly invaded, and amongst other acts the following were committed. The authorities named by the Governor of the "Territory Delta" at the mouths of the Amacuro and Morajuana, were violently dispossessed, and to the commissioner at the former of these places, Señor Roberto Liso, the proposal was made to invest him with sufficient authority, pay him a salary and give him the necessary garrison for the maintenance and defence of the British jurisdiction in that place.

The 22d November following, the said Mr. Mc. Turk wrote from the right bank of the Amacuro to Mr. Thomas A. Kelly, Acting President of the Manoa Company, stating that he had received notice that the Company was going to erect a saw-mill at the mouth of the Barima, and added what follows:

I deem it my duty, as the Officer now in charge of the Pomeroon River Judicial District, and which District extends to the limits of the Colony on its Venezuelan or Western side, to notify you that the Barima River is in the County of Essequibo and Colony of British Guiana, and forms part of the Judicial District, over which I exercise jurisdiction.

No settlement of any kind, whether for the purpose of trade or any other purposes, can be made within the limits of the Colony unless in accordance with its existing laws, and those

that may become resident therein will be required to obey them.

I would draw your attention to the notices posted on the trees in the Amucaro, Barima and Waini Rivers, one of which I am told you have. I enclose a written copy. These notices were placed where they are by order of His Excellency the Governor.

I have the honor to be, Sir, your obedient servant,

MICHAEL MC. TURK.

Special Magistrate and Supt. Crown Lands & Forests. Essequibo
River, and Act. for the Pomeroon River Judicial District.

To Thomas A. Kelly, President Manager of Manoa Company:

In another communication of the same date, Mr. Mc. Turk writes to Mr. Kelly as follows:

"I have the honor to inform you that you are now within the limits of the Colony of British Guiana and those of the District under my jurisdiction as one of the special magistrates and superintendent of Crown-Lands and Forests of this Colony, and therefore you are outside your jurisdiction as a functionary of Venezuela." . . . "Whatever notification you should make to the inhabitants will be void, and all persons residing in this or any part of this colony, or visiting it, will have to conduct themselves in accordance to its laws. I must likewise call your attention to the notifications put upon trees on the banks of this river, as also on the rivers Waini and Barima. These notifications were fixed where they are by order of the Government of British Guiana."

The 25th October, 1884, the Acting Secretary of the Government of British Guiana," wrote the following letter to Mr. Fitzgerald:

BRITISH GUIANA, GOVERNMENT SECRETARY OFFICE.

GEORGETOWN, DEMERARA, 25th October, 1884.

SIR:—I am directed by H. E., the Governor of British Guiana, to acknowledge receipt of your three letters noted in the margin with reference and transmitting documents respect-

ing the Manoa Company and the concession made by the Venezuelan Government, and to convey to you the expression of H. E.'s thanks for the information and the documents supplied.

With regard to the British Guiana boundary, I am directed by H. E. to intimate to you that the Colonial Government exercise authority and jurisdiction within the limits laid down in the accompanying map starting from the right bank of the Amacuro River, and that within these limits the Colonial Government enforce the Law of British Guiana.

I am further to intimate to you that any person disregarding or acting in contravention of the laws of British Guiana within these limits will be liable to be prosecuted according to the Laws of the Colony.

The whole of the territory therefore between the Amacuro and Moruca Rivers is part of the Colony of British Guiana and the Colonial Government will maintain jurisdiction over this territory and prevent the rights of Her Majesty or of the inhabitants of the Colony of being in any way infringed.

I have the honor to be, Sir, your obedient servant.

F. GAULIS.

Ac. Government Secretary.

C. C. Fitzgerald, Esq., Phenix Building, 16 Court St., Brooklyn. New York,

I have quoted literally these passages, in order to show the eagerness of the British authorities in claiming the jurisdiction in those places of Venezuela, adding to the words the facts.

On the other side, the following paragraphs are to be found in a note sent by the British Legation at Caracas, the 8th January, 1885, to the Ministry of Foreign Affairs of Venezuela:

"In a dispatch dated London, the 28th November, I am directed by Her Majesty's Government to attract the attention of that of Venezuela to the proceedings of the Agents of the Manoa Company in certain districts, the sovereignty of which

is equally claimed by H. M.'s Government and that of Venezuela.

Earl Granville further instructs me to request the Venezuelan Government to take steps to prevent the Agents of the Manoa Company or of Mr. H. Gordon, who has also a concession for colonization from the Venezuelan Government, from asserting claims to, or interfering with any of the territory claimed by Great Britain.

Her Majesty's Government, in the event of that of Venezuela declining to move in this matter, would, to their great regret, feel themselves under the necessity of adopting measures for preventing the encroachment of the Manoa Company and the Governor of British Guiana would even be instructed to employ an adequate Police force for the prevention of such encroachment and the maintenance of order.

Lord Granville goes on to inform me, however, that no steps will be taken by the Governor of British Guiana pending this reference to the Venezuelan Government.

I need hardly remind Your Excellency that the question of the Boundary of British Guiana is one of long standing, and that communications upon the subject are at the present moment taking place between Her Majesty's Government and the Venezuelan Minister in London, and it is therefore all the more important that incidents calculated to cause grave inconvenience should be prevented. The territories irrespective of those disputed by Venezuela and Great Britain, conceded to the Manoa Company are enormous in extent; but without entering into that portion of the question, I feel certain that His Excellency, the President of the Republic, will duly appreciate the immense importance of obviating the possibility of any collision between the Agents of that Company and the British Authorities in the territories, the sovereignty of which is still a disputed question."

The 26th of the same month of January Mr. Mansfield wrote again to the Government, informing that orders had been transmitted to the Governor of British Guiana to send Mr. Mc. Turk (Stipendiary Magistrate), accompanied by an ade-

quate body to the police, for the purpose of making, in the District on the eastern bank of the river Amacuro, an inquiry into the operations of the Manoa Company, and more specially into the conduct of Mr. Robert Wells and others who are accused of having tortured people, hanging them up for a time by their ankles, etc. The Legation observed moreover that Mr. Mc. Turk would proceed in accordance with the laws which are in force in the other parts of British Guiana, and called to mind that the words of the contract with the Manoa Company are textually: "as far as British Guiana." In connection with this circumstance, the British Minister says further that Mr. Fitzgerald has the following statement in his Report on the territorial concession of the Great Delta of the Orinoco to the Manoa Company: "About ten miles to the Southwest of Punta Barima is the mouth of the river Amacuro, which in 1800 formed the frontier between British Guiana and Venezuela:" wherefrom it would appear that the place of which notice has been taken, is not even claimed by the Manoa Company. Finally it is mentioned by Mr. Mansfield that the Governor of British Guiana had sent information to London that the posts erected by order of the Government of said Colony, the 11th October, on the eastern bank of the river Amacuro, and in other places, to prevent the usurpation of the territory, which was claimed by the British crown had been removed and sent to Ciudad Bolivar as it was presumed, by order of the Government of Venezuela; and it is added that this incident might possibly become the cause of a correspondence of a character little satisfactory, if it did not lead to serious inconvenience in the future.

The passages copied and the fact narrated contain the explicit affirmation that the British Authorities have executed the most solemn acts of jurisdiction in places, which they at the same time declare to be a matter of dispute with Venezuela; that is to say, that they have infringed and continue to infringe the agreement proposed by H. B. M., "neither to occupy nor to usurp the disputed territory. The infraction is so much the more serious, as violence has been used in the pro-

ceedings, just as if there never had been the slightest controversy about the dominions of those places. The Government in London has therefore shown no consideration whatever for the rights of Venezuela, but decides quite alone upon the superiority of those alleged by Great Britain and consequently passed on to acts of violence.

It is a not less notable circumstance that no previous steps were taken to acquaint the Government of the Republic, not even through this Legation, with the motives of complaint, on which the appeal to force was to be founded. Such a proceeding is in contradiction with the amity, fostered so carefully by Venezuela, and intended to render still more perfect by the accreditation of a first-class representative in London. It is likewise contrary to the practice of nations, which before making use of reprisals, adopt measures of reconciliation and amicable intelligence, as required by the consideration to which they are entitled mutually.

Mr. Mansfield stated in a note of 8th January, that the Governor of British Guiana would not take any steps, whilst there was pending the request to the Government of Venezuela that the agents of the Manoa Company, or Mr. H. Gordon, should be prevented from claiming or obstructing any part of the territory claimed by Great Britain. This friendly measure would not have failed to give good results if at the same time had not been already executed the orders resolved upon by the British Government. Some days later, on the 24th January, Mr. Mansfield informed that since the 11th October, 1884, posts had been erected, by order of the Governor of British Guiana, on the eastern bank of the river Amacuro, and in other places. The 31st January the Governor of the Territory Delta communicated to the Executive Power, that an English commission had entered the mouth of the Amacuro, arrested the civil commissioner appointed there by the first authority of said Territory, and left in the place a body of police.

The assertion of Mr. Fitzgerald, that in 1800 the frontier between Venezuela and British Guiana was at about ten miles

to the South-East of the River Amacuro, has no foundation whatever. To be convinced of it, it will be sufficient to remember that Great Britain, in that year, had not acquired as yet any right to the part of Guiana which was ceded by Holland, and that the river Essequibo had been the frontier between the colony, belonging to the latter country and the Spanish possessions, as Venezuela always has sustained. The mistake committed by Mr. Fitzgerald certainly cannot do prejudice to the rights of the Republic.

It must not be overlooked moreover, that the grant given to this gentleman does not indicate any specified limits, only the words "as far as British Guiana" being used, as Mr. Mansfield repeats in one of the passages quoted from his correspondence. Notwithstanding all this, the operations of the Manoa Company have been made use of as a pretext for detrimental actions against the rights of Venezuela.

The circumstance that the posts have been removed, which by order of the Government of British Guiana were erected on the eastern bank of the river Amacuro, and in other places, is nothing else than a protest against the pretensions of Great Britain; for if Great Britain believes to be the owner of those places, the Republic is sure that they are Venezuelan property; and if those signs had been left untouched, the object they were erected for would have been recognized, so that to-morrow the assent of Venezuela to such an arrogation of British dominion might be alleged. These signs would be proofs of the occupation of a territory which H. M. has engaged "not to occupy, nor to usurp," by a spontaneous act of her Government, presented with much interest to be accepted by Venezuela. In the case, which is denied, that this country had committed an infraction of the same duty it had contracted, the first thing would have been to make friendly remonstrances in order to obtain redress for the fault; instead of appealing to one-sided and pressing measures, that hurt the dignity of a sovereign State which sees, more than ever, threatened the integrity of its territory in one of the most important parts, viz., the great river Orinoco, which discharges into the Ocean the

numerous streams bathing the soil of the Republic and that of neighboring countries, and forming the principal communications, not only between the different regions of her own territory but also between them and foreign domains, the forestalling of the most splendid future in the natural progress of the young nations of America.

In the last proposition of an arrangement made by the British Government to Venezuela, it is stated that as the capital point for Venezuela was the possession of the Orinoco, a line was indicated which would begin about 29 miles to the East of the right bank of the river Barima ; this line was not accepted by Venezuela, which insists upon the Essequibo being the frontier.

The Government of the Republic gave Mr. Mansfield the assurance that in accordance with the words of the contract "as far as British Guiana," the limits of the grants did not trespass those of the disputed territory, and promised most sincerely that steps would be taken to elucidate the facts, as the Manoa Company had been accused of having transgressed those limits. Very properly the Government took advantage of this opportunity to recall the fact that on the 18th October, 1884, an English man-of-war entered the mouth of the Orinoco ; arrived at the Light-Ship ; asked for a pilot to sail upstream, but that this request was denied, the vessel not being bound for any port open to foreign commerce, as the law requires ; that notwithstanding this opposition the ship went to Amacuro, and on the following day to Guiana by way of Barima, after having erected posts in all the points visited, with printed declarations of dominion ; proceedings, which had called most earnestly the attention of the Government although at first they were doubted on account of the extraordinary character of the facts.

In his second note His Excellency, the Minister of Foreign Affairs, expressed to Mr. Mansfield the great surprise with which the Federal Executive had seen the contents of his note of the 26th January, both in reference to the acts attributed to Mr. Robert Wells, as well as to the orders given to

the Governor of British Guiana, to send the Judge Mr. McTurk, accompanied by an adequate body of police, to make inquiries into the operations of the Company on the eastern bank of the river Amacuro, although it was working on territory belonging without any doubt to Venezuela. "This surprise of the Government," continues the Minister, "became greater still after the receipt, yesterday, of a telegram from the Governor of the Territory Delta, by which he communicates the news that an armed force, sent by His Excellency the Governor of British Guiana, had penetrated into the Territory of Venezuela, arrested by compulsion the Commissioner at the mouth of the Amacuro, and carried him off after having left in the place a body of police. Setting aside all the other events of which Your Excellency is already informed, this last one is enough for Venezuela to consider herself attacked in regard to the sacred rights of her dominion, and for her to call most earnestly your attention, that you may dictate the measures that the case calls for, in order that such proceedings be repaired and everything brought back to the state in which it was before, in accordance with the *statu quo* in force, which determines that neither of the two nations shall exercise jurisdiction in any part whatever of the disputed territory. This becomes the more indispensable, that negotiations are being carried on between Venezuela and great Britain with a view to put an end to the long-standing dispute about the frontier between both. The Plenipotentiary of the Republic has received instructions to press the negotiations, and these evidently would lead soon to the wished-for reconciliation if those improper proceedings were avoided, which have all the aspects of hostilities, and are in open contradiction with the respect of the principles of territorial dominion and justice, that should distinguish the relations between civilized nations."

In accordance with the instructions I have received from my Government, and in consideration of what has been stated, I beg to enclose a copy of the agreement which was accepted by said Government at the request of Mr. Wilson, British Chargé d'Affaires in Caracas, and I respectfully ask :

1st. The removal of all signs of sovereignty erected in the disputed territory by order of the Governor of British Guiana.

2d. The recall of all functionaries and public force which may have been stationed there.

3d. Satisfactory explanations for the non-fulfillment of the agreement proposed to Venezuela by Great Britain, and for the infraction of the laws of the Republic in regard to ports not open to foreign vessels.

4th. The annulment of the proceedings against Mr. Robert Wells, his liberty, and an indemnity for the damages resulting from his capture, imprisonment, trial, and punishment for the imputation of an act of misdemeanor on Venezuelan territory.

5th. The complete re-establishment of things to the state in which they were in 1850, in which year was made the agreement referred to, and strict orders to the Governor of British Guiana to faithfully observe it, until the two Governments arrange the question of the frontier.

I renew, etc.

GUZMÁN BLANCO.

His Excellency Earl Rosebery, H. B. M's. Principal Secretary of State for Foreign Affairs, &c., &c., &c.

Part IX.

Dr. Urbaneja to Mr. St. John.

DEPARTMENT OF FOREIGN AFFAIRS.

CARACAS, December 7th, 1886.

Sir :

In accordance with the order of the President of the Republic, as the result of the conference we held with him yesterday, I have the honour of addressing Your Excellency and stating in substance what he then expressed.

He said that his attention had been seriously called by the grave character of the intelligence received as to occurrences taking place, it is affirmed, in Guiana in regard to its boundary with British Guiana. He recalled the agreement made in 1850 by an interchange of notes between the two Governments on a spontaneous proposal of the British Government, and upon the ground of information sent from Ciudad Bolivar by Vice-consul Mathison to Mr. Wilson, Chargé d'Affaires at Caracas, respecting the transmission of orders to the authorities of the province of Guiana to put the same in a state of defence and to repair and arm the dismantled forts, and the language used by Governor José Tomás Machado as to the erection of a fort at the Barima Point ; and on account also of a rumour spread to the effect that Great Britain intended to claim the province of Venezuelan Guiana. Besides giving it the lie by affirming that not only was it destitute of any foundation, but also that it was precisely the reverse of the truth, Mr. Wilson declared in the name of his Government that the latter had no intention to occupy or encroach upon the territory in dispute, and that it would not ordain or sanction such occupation or encroachments on the part of British authorities. At the same time he requested and obtained from the Government of the Republic analogous declarations. She has kept such an agreement by

preserving the *statu quo*, while Great Britain has infringed it, since, besides the acts of jurisdiction consummated from 1884, it has been ascertained that she has just now in the channels formed by the rivers Amacuro and Barima, about which there has been no question before, a Commissary provided with two vessels containing arms and policemen, who levy taxes and prohibit persons going there on mercantile business,] from carrying out their operations ; that she has had built a government house on which the British flag has been and is constantly hoisted ; that a church and school-houses are being constructed ; that in October last a small war steamer was there ; that a revenue-cutter often runs on the track between Amacuro and Barima ; and that they have begun to form on the same spot an agricultural colony.

Even in the denied assumption that those places were a part of the disputed territory, Great Britain might not have occupied them without violating the above compact. And if, in spite of everything, she occupies them, with still greater reason they should be reoccupied by Venezuela, relieved as she is from any obligation on the ground of its infraction by the other contracting party, and being, as she is, fully conscious of her undisputable right of property.

The President said likewise that the concessions to the Manoa Company could not have given to Great Britain a just ground of complaint, as according to their unequivocal terms they only extended as far as " British Guiana," that is to say, as far as points not contentious, and moreover that the contract on the subject had expired.

On the above statement, and on the strength of an application made by the British Legation with the utmost instancy, in an official note to this Ministry, of May 26th, 1836, for the erection of a Beacon at the Barima point, thus recognizing *motu proprio* the incontestable sovereignty of Venezuela over the same, the President added that he was going to send there an engineer instructed to erect the Beacon, and new officers to exercise authority for the Republic in said place and in those lying between the rivers Barima and Amacuro, and to

notify to the foreign occupants their withdrawal from them. And he ended by saying that, if the Government of Her Britannic Majesty would occupy such a point as Barima, the possession of which would render it joint proprietor of the Orinoco, and decide in this manner by itself and in its favor this for Venezuela, the most grave question, wresting from her by force the exclusive domain of that river, and presenting thus to her an indubitable *casus belli*, he should be compelled by the requirements of patriotism and by his high duties as the guardian of the territorial integrity of Venezuela, to break up the relations between the two countries.

The President has instructed me to write this note, in order that Your Excellency may communicate to me the information and antecedents you may know of in regard to so unheard of and almost incredible occurrences.

I renew to Your Excellency the assurances of my high and distinguished consideration.

DIEGO B. URBANEJA.

His Excellency F. R. Saint John, Her Britannic Majesty's Minister Resident,
&. &. &.

Mr. St. John to Dr. Urbaneja.

BRITISH LEGATION.

CARACAS, December 9, 1886.

Señor Ministro:

I have had honour to receive Your Excellency's note of the 7th instant, in which, by order of the President, you record that which in substance was stated by His Excellency, at our interview of the 6th instant, on the Guiana frontier question, and in which you invite me to furnish you with any information I possessed in regard to certain alleged proceedings on the part of British authorities in Guiana.

I beg to state in reply that the President having declined before resorting to the occupation of a part of the disputed territory, to await the result of my reference of his intention to Her Majesty's Government, I fail to see how compliance

with Your Excellency's request or continuance of the discussion by me can now answer any useful purpose.

But I must, nevertheless, in order to avoid error, remark on two points treated in your note—firstly, that the territory lying between the rivers Barima and Amacuro, which is affirmed by Your Excellency to be only now claimed by Her Majesty's Government, was already mentioned in Lord Aberdeen's note of March 30, 1844, to Señor Fortique, as forming part of British Guiana—and, secondly, that the request of the 26th of May, 1836, by the British Agent at Caracas to the Venezuelan Government, that they should erect a lighthouse at Barima Point, appears from my thorough search in the archives of this Legation to have been addressed to the Venezuelan Government without any knowledge or authority of the British Government, to whom it was never even reported by the Agent—and to have been made solely at the suggestion of certain merchants of Ciudad Bolivar, who were interested in the removal of danger in the navigation of the Orinoco River.

If Your Excellency will be good enough to refer to a communication made on the 26th of September, 1851, by this Legation to the Venezuelan Government by order of Her Majesty's Government, you will find it there stated, with reference to another subject, that such a doctrine as that a Government is bound by every act or word of its Diplomatic Agent is entirely at variance with International Law; it being perfectly well known that even a formal treaty, concluded and signed by a Plenipotentiary, is not valid unless it shall have been duly ratified by the Government of such Plenipotentiary.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

F. R. ST. JOHN.

His Excellency Dr. Diego B. Urbaneja, etc., etc., etc.

Dr. Urbaneja to Mr. St. John.

DEPARTMENT OF FOREIGN AFFAIRS.

CARACAS, January 8, 1887.

Sir:

I have had the honor of receiving Your Excellency's note, dated on the 9th of last month, in answer to the request made by the Government to your Legation, to kindly furnish them with any information and antecedents you might possess on certain acts of British authorities.

The President of the Republic, to whom I read said answer, has instructed me to say to Your Excellency that he deeply regrets that the friendly spirit which moved him to apprise Your Excellency of the news he received, and of his intention to send out an engineer and new officials to Barima, Amacuro and other places, should have been ineffectual. Your Excellency refuses to give an explanation which might, perhaps, have modified that purpose, either in its principle or in the time of its execution, for which reason His Excellency has instructed me to say here that at all times, the interview held on 6th ultimo, at his own request, and the note sent to Your Excellency by this Department, in which all that took place in said interview is summarily stated, will be a proof of the loyal frankness and of the conciliatory wishes in this matter of the Chief of the Venezuelan Nation.

I would confine myself on this occasion to the preceding statement, if Your Excellency had not added two remarks, notwithstanding your declaration not to accede to what had been requested from you, nor to continue the discussion on your side, because those two remarks call for an explanation.

In the first place Your Excellency contradicts my assertion regarding the territory situated between rivers Barima and Amacuro, alleging that this territory had already been mentioned in Lord Aberdeen's note of the 30th of March, 1844, to Mr. Fortique, as a part of British Guiana.

Venezuela has never admitted, neither will she ever admit, that Dutch Guiana bounds upon the Orinoco; and this is

proved by the text of the note with which Mr. Fortique opened the negotiation on limits, by the previous ones, in which he demanded the removal of the flags, posts, and marks placed at Barima and other places by Engineer Schomburgk in 1841, and by the conferences he held on the subject with Their Excellencies the Ministers of Foreign Affairs and of the Colonies. It was precisely the placing of these marks of foreign dominion at the places mentioned, to which Great Britain had no right, that created such a sensation in Venezuela, and caused the sending of Messrs. Lic. José Santiago Rodríguez and Juan José Romero to Demerara, in the character of Commissioners, to demand an explanation of those surprising facts. In a note dated 11th of December, 1841, Lord Aberdeen wrote to Mr. Fortique that the marks had been placed as a means of preparation by his Government for the discussion of the boundary question with the Government of Venezuela; that they were placed precisely with this object, and not, as Venezuela seemed to fear it, with the intention of indicating dominion or empire on the part of Great Britain. Lord Aberdeen added, that he had learnt with pleasure that the two Commissioners sent by the Republic had been able to ascertain, through the information given them by the Governor of said Colony, that Point Barima had not been occupied by the English authorities.

The usurpations which Spain made legal by the Munster Treaty were those concerning the Colonies of Essequibo, Demerara, Berbice, and Surinam, and was afterwards confirmed by the Extradition Treaty made at Aranjuez, in which Your Excellency may see that the Dutch Colonies of Essequibo, Demerara, Berbice, and Surinam, together with Curaçao and Saint Eustace, are mentioned in juxtaposition with the Spanish Colonies of the Orinoco, Coro, and Porto Rico. Of these Colonies, the Netherlands transferred to H. B. M., by the London Treaty of 13th of August, 1814, those of Essequibo, Demerara, and Berbice. Whence comes, then, the right of England over the Spanish Colonies of the Orinoco?

The second remark made by Your Excellency is to the effect that the British Agent in Caracas, that is, Sir Robert

Ker Porter, who, in 1836, was the British Chargé d'Affaires in this Republic, requested from this Government the erection of a lighthouse at Point Barima, without the knowledge or consent of his Government; and Your Excellency adds, quoting a note from the British Legation to this Department, dated on the 26th of September, 1851, that the doctrine, that all acts or words of a Diplomatic Agent bind his Government, is incompatible with International Law, it being a well-known fact that not even a Treaty made by a Plenipotentiary is valid unless ratified by his Government.

On those points the President has instructed me to state that the Government of Venezuela cannot admit that, after the long period of fifty years has elapsed since the date of Sir Robert's communication, the British Government having been informed by him or his successors of the step he took, should not have apprised that of Venezuela of the lack of authorization which Your Excellency, on account of what has happened, communicates to-day for the first time, after fifty years have elapsed, and which nothing could make this Government presume upon.

I beg to renew to Your Excellency the assurances of my distinguished consideration.

DIEGO B. URBANEJA.

To His Excellency F. R. St. John, etc., etc.

Mr. St. John to Dr. Urbaneja.

BRITISH LEGATION.

CARACAS, January 19, 1887.

Señor Ministro:

I have the honor to acknowledge the receipt of Your Excellency's note of the 8th instant on the subject of my interview of the 6th ultimo with the President of the Republic, and must express to you my astonishment at one of the statements it contains, namely, that it was owing to my neglect to furnish explanations regarding certain alleged proceedings on the part of British Authorities in Guiana, and my refusal to enter upon a discussion of the question generally, that the President was in-

duced to persist in his intention to occupy Barima Point by erecting there a lighthouse.

Permit me, sir, to state briefly my recollections of the main features of the interview in question.

The President commenced by saying he had received news of the gravest kind, that British authorities were in actual occupation of the territory lying between the Barima and Amacuro rivers, territory which His Excellency alleged—and I denied—belonged to Venezuela and had never been disputed, and he asked me to explain such conduct. To this I replied, that I was unable to do so for the reason that I had until that moment not heard a single word on the subject of the alleged occupation, and I suggested that perhaps there might have been one of the usual police expeditions in pursuit of criminals.

His Excellency then proceeded to inform me that he intended immediately to occupy Barima Point, by erecting there a lighthouse, and he should, he continued, instantly break off relations with Great Britain if opposed.

Your Excellency will doubtless recollect that at this stage of the interview I ventured to remonstrate with the President on his determination to precipitate matters, and I asked for time in order to communicate by telegraph with Her Majesty's Government and await an answer. But His Excellency refused on the ground, he said, that he had determined to bring this long-pending question at once to an issue—and on my asking, at the termination of the interview, if he authorized me to telegraph to Her Majesty's Government in the sense of what he had just stated, His Excellency answered in the affirmative.

Your Excellency will also recollect that on the following day I called at the Department, where I was received by yourself and Señor Seijas—that I besought you to speak with the President and induce him to reconsider his decision—offering to keep back for twenty-four hours my telegram to Her Majesty's Government, which I did accordingly—but to no purpose, and so my message to England was at last dispatched.

I trust Your Excellency will now perceive not only how impossible it was to supply the information asked for, but how difficult it would have been for me, consistently with my duties,

to have entered unauthorized by my Government upon a discussion of a question the aspect of which has so entirely changed by this new and unexpected resolve on the part of the President of the Republic.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

F. R. ST. JOHN.

P. S.—Your Excellency mentions in the second paragraph of your note under acknowledgment the sending of *new* functionaries to Barima, etc. I shall be obliged if Your Excellency will inform me when such functionaries were sent there on former occasions, and how long they remained.

F. R. ST. J.

His Excellency Doctor Diego B. Urbaneja, etc., etc., etc.

CARACAS, January 15, 1887.

To the Minister of Foreign Affairs:

In fulfillment of the Commission which on the 8th of the past month the President of the Republic was pleased to entrust to me through you, I sailed from the harbor of La Guayra on the man-of-war Centenario for Barcelona.

The next morning at 8 o'clock I touched at this port, simply with the object of delivering to the Commander of the Garrison the equipments sent to him by the Minister of War, and at 10 o'clock proceeded on my journey towards Trinidad.

On the 16th, at 2 o'clock in the afternoon, we cast anchor in the Port of Spain, and, together with the Venezuelan Consul there, I immediately proceeded to take in the provisions of coal and oil that were needed in the ship, and to get a pilot for the navigation of the Orinoco.

At midnight we sailed for Bolivar through Branch Macareo.

I arrived in Ciudad Bolivar on the 19th, at 5 o'clock in the afternoon, and without loss of time proceeded to communicate with Mr. Juan Bautista Dalla-Costa and General Santiago Rodil in order to form the Commission in accordance with the instructions I had received.

The 20th, 21st, and 22d days of the month I spent in Bolivar

in conference with the aforesaid gentlemen, and in collecting information, obtaining plans, and taking note of the persons practically acquainted with the places that were to be surveyed.

Two acts, signed by the three members of the Commission, were drawn, and may be seen in process-verbal annexed to the present note.

On the 22d, at 6 o'clock in the evening, the river steamer *Libertad*, which, by order of the Minister of War, had been placed at the disposal of the Commissioners, sailed from said city, with instructions to wait for orders at Curiapo.

General Santiago Rodil and I sailed in the morning of the 23d, at half past six, on board the *Centenario*, Mr. Dalla-Costa having excused himself from accompanying us on account of ill-health.

On arriving at Curiapo the next day, the 24th, at a quarter past one in the morning, the Commissioners went on board the *Libertad*. The *Centenario* was instructed to go and cast anchor at Point Barima, and wait there, while at the same time the *Libertad* sailed towards the mouth of River Amacuro in order to enter it.

We entered this river at half past twelve in the afternoon, and sailed up to a settlement which has been formed on both banks of it, not very far from the mouth.

The Commissioners took depositions from several inhabitants, from which it may be seen that the English have fixed upon the right bank of this river Amacuro as their limit with Venezuela, and that they exercise authority on said bank, where the Commissioners found two English Constables, and a wooden house, with a thatched roof, erected by the Government of British Guiana to serve as a public office. All this is mentioned in the acts drawn by the Commissioners on the spot.

On the following day, the 25th of December, we left River Amacuro, heading for Branch Barima.

Before I continue this report, and for the better understanding of what I shall state therein, allow me, Mr. Minister, to point out an error existing in Codazzi's map of Venezuela, which he doubtlessly copied from maps which had been previously published, and others have copied from him.

A large portion (fifty miles from the mouth towards the East) of what is shown under the name of River Barima on the aforesaid map of Codazzi, together with what is called therein Branch Morajuana (which is only five miles long) forms a branch of the Orinoco towards the East, on its right bank similar to branch Macareo poured by the great river on its left bank towards the North. I call then Branch Barima that fluvial portion which is one of the mouths through which the Orinoco pours its waters into the Ocean; and Barima Island, formed by that branch and the sea, is one of those that constitute the immense Delta of the grand River, which embraces the space comprised between the mouth of river Waini and the mouth of Branch Vagre.

The real River Barima which has its source at the foot of the Imataca hills on their Eastern side, and runs in a great measure from the West to the East, turns then to the North and joins River Aruca, and the waters of both proceed to pour into the aforesaid branch Barima.

This Branch Barima is very broad, clean, has not very large turnings and mostly all of it has a depth of more than twenty metres.

I saw only three farms or *conucos* on this branch.

We entered River Aruca at half past three and an hour after we cast anchor opposite to the settlement which has been formed on both banks of this river. This settlement is the most considerable one which we noticed in all that territory, having a population of more than two hundred souls.

The Government of the neighboring English Colony exercise authority there through a Rural Constable who collects taxes and prohibits the commerce of rum and tobacco, as is stated in the act drawn by the Commissioners on the spot.

We left Aruca at 6 o'clock in the evening in order to pass the night at anchor at the mouth of branch Morajuana, which we entered the next day, the 26th, at a quarter past five in the morning, going over it in one hour, until we reached the great mouth of the River Waini; immediately continuing to go up said river, which is of the utmost importance, until half past

two in the afternoon, when we arrived at a place called Cucurital, where there are two Venezuelan *conucos* (farms).

At a quarter to four we resumed our journey up the river and at half past four passed before the mouth of Branch Paraman, which, on the East, pours into River Moroco.

I call special attention to this branch, as it is through it that commerce is carried on between Demerara and the settlements which had been visited previously.

We sailed until seven o'clock in the evening, at which hour, it being very dark, we made fast to the shore, to continue our journey next day.

On the 27th, at half past five in the morning, the journey up the Waini was resumed, until seven in the morning, at which hour we arrived before the settlement called Cuabana, composed altogether of Guaica Indians. This settlement may have about eighty inhabitants who live in ten ranches, governed by a protestant missionary, who has erected there a hut to serve as a church and at the same time as a school. The Commissioners drew an act at this place in which are mentioned all the circumstances which have been observed in regard to the matter entrusted to them.

As stated in the annexed process-verbal, the Commissioners, at all these settlements, publicly proclaimed that all those territories belong to Venezuela and not to Her Britannic Majesty, and protested against all acts of authority exercised by the Government of the neighboring Colony, they being acts of obvious usurpation.

The Commissioners, on returning to Point Barima, stopped at the settlement of Morajuana, which is composed of nine ranches giving shelter to sixty inhabitants.

At all the settlements mentioned the Commissioners appointed Police Commissaries to represent there the authority of Venezuela.

The morning of the 29th was employed in going down to Point Barima in order to survey the spot where the lighthouse is to be erected, at which spot the crew of the Centenario had

already spent two days in clearing the woods, according to my instructions, to facilitate said survey.

On the preceding night the steamer *Libertad* had been sent back to Bolívar, and at nine o'clock in the morning of the 29th the Commissioners sailed for Georgetown on board the steamer *Centenario*.

On the 31st of December, at half past two o'clock in the afternoon, we cast anchor in the river Demerara, off Georgetown.

On the following day, the first of the year 1887, the Commissioners addressed to the Venezuelan Consul in Demerara the note, copy of which will be found in the annexed process-verbal, for him to communicate it integrally to the Governor of the Colony.

The present Consul, Mr. Andrade, had not yet received his Exequatur as such, and it was necessary to take some preliminary steps to have the Government of the Colony recognize him provisionally as Consul, to enable him to transmit the note of the Commissioners.

On the 7th of January Mr. Andrade delivered to the Commissioners the answer of the Government of British Guiana, the original of which is joined to the annexed process-verbal.

Having received this conclusive answer from the Governor of Demerara, in which it is stated that Her Britannic Majesty's Government has declared as part of the territory of British Guiana all of the extensive territory comprised within the fanciful boundaries marked out by Schomburgk as well as the Essequibo, which is by right the frontier of Venezuela, the Commissioners considered their work at an end, as with this last step they had carried out all the instructions which were communicated to me on the 8th of December last by the Department in your charge.

On the 8th of January, at eleven o'clock in the morning, we sailed from Demerara and at half-past six in the morning we arrived in Port of Spain where the Commissioner, General Rodil, went on board the *Bermudez* in order to return to Bolívar.

On the following day, the 11th of January, at half-past twelve

in the afternoon, we sailed from Port of Spain and on the 13th, at half-past two in the morning, we cast anchor in the harbor of La Guayra.

For the better understanding by the Government in the reading of this report and the annexed process-verbal, I subjoin also a map which I have drawn of the oriental part of Venezuela.

I trust that the Illustrious American, President of the Republic and the Minister of Foreign Affairs, will notice that I have spared no efforts to carry out in the best possible manner the delicate, and thereby most honorable Commission that was entrusted to me.

I am, Mr. Minister, your most obedient servant,

JESUS MUÑOZ TEBAR.

ACT No. I.

Doctor Jesus Muñoz Tebar and Messrs. Juan Bautista Dalla-Costa and Santiago Rodil having assembled at Ciudad Bolívar, at 8 o'clock in the morning of the 20th of December, in the year one thousand eight hundred and eighty-six, the first named handed to the second and the third respectively, the notes sent to them by the Minister of Foreign Affairs dated on the 8th of this month, by which they were appointed Commissioners at Amacuro and Barima, together with the first named.

Doctor Muñoz Tebar then proceeded to read the instructions given him by the Minister of Foreign Affairs on the same date, to wit, the 8th of this month, and also communicated the verbal instructions which he had received from the President of the Republic in a conference held on the seventh.

Mr. Juan Bautista Dalla-Costa then stated that on account of the serious alteration of his health, it was impossible for him to accept an active part in the Commission; but he would transmit to the other two Commissioners all his opinions and information on the subject.

Mr. Santiago Rodil stated that he accepted the Commission and in consequence took before Doctor Muñoz Tebar, delegated to that effect by the Minister of Foreign Affairs, the legal oath to faithfully and exactly obey the Constitution and laws of the Republic and fulfill the special duties of this Commission.

Another meeting was decided upon for that same day at two o'clock in the afternoon, when the several maps and plans of the places to which the Commission refers will be laid before the Commissioners, and to which Captain Ricci will be invited to attend, he being practically acquainted with the navigation of said places and possessing special information in the matter to which the Commission refers.

And the meeting was adjourned.

JESUS MUÑOZ TEBAR.

JUAN BAUTISTA DALLA-COSTA,
SANTIAGO RODIL.

ACT No. 2.

Doctor Jesus Muñoz Tebar and Messrs. Juan Bautista Dalla-Costa and Santiago Rodil having assembled at Ciudad Bolívar at two o'clock in the afternoon of the twentieth day of December, one thousand eight hundred and eighty-six, and Captain Antonio Ricci being also present, they proceeded to examine and study the several plans of the mouths of River Orinoco, in order to agree upon the best plan of operations that the Commissioners should adopt in order to carry out their instructions.

It was decided to take the small steamer *Libertad* to accompany the national steamer *Centenario* which has come under the orders of the Commissioners, and to proceed with both vessels to the great mouth of the Orinoco, carrying Captain Ricci on board ; to anchor the steamer *Centenario* at Point Barima, to go up the Amacuro River on the *Libertad*, then return to Point Barima, and land there in order to make the surveys necessary for the erection of the lighthouse ; then to enter the mouth of the Barima still on the *Libertad*, and come out through that of the Waini, passing through Branch Morajuana ; the steamer *Centenario* will wait at the mouth of the Waini ; then to go up the Waini and return in order to proceed on the *Centenario* to Georgetown, Demerara, there to obtain the last information and documents that the Commissioners propose to procure.

Mr. Juan Bautista Dalla-Costa then stated that he thought it was of the utmost importance for the future decisions to be

taken by the Government of Venezuela, by virtue of the facts that the Commission has to investigate, to find out with the greatest precision, the places where the present developments of gold mines are taking place, which have been authorized by the Government of British Guiana, as he thinks that they are being carried on on Venezuelan territory, and, as the Commissioners are going to Demerara where their duties will end, he thinks they should avail themselves of the fact of their having gone that far, for at least one of the two Commissioners to proceed to the spot where the gold mines are being worked, as it is said, between Rivers Cuyuní and Puruní; which was approved by the Commissioners.

And the meeting was adjourned.

JESUS MUÑOZ TEBAR.

JUAN BAUTISTA DALLA-COSTA.

SANTIAGO RODIL.

At the last minute Captain A. Ricci asked to be excused from accompanying the Commissioners.

JESUS MUÑOZ TEBAR.

RODIL.

UNITED STATES OF VENEZUELA.

NATIONAL COMMISSION.

ACT No. 3.

The Commissioner sent by the National Government to Amacuro, Barima and other places, according to a Resolution of the Department of Foreign Affairs of the 8th of this month, sitting on the 24th of December, 1886, at the settlement of Amacuro, at one o'clock P. M., have decided to summon citizens Roberto Wells, Alfonso Figueredo, N. N. Morgado and Aniceto Ramones, with the object of taking their depositions on matters regarding the object of the Commission.

JESUS MUÑOZ TEBAR.

SANTIAGO RODIL.

ACT No. 4.

Immediately thereupon, Citizen Roberto Wells, a Commissary of this settlement, appeared, and after being informed of the object for which he was summoned, he swore to tell the truth and declared: That it is true that in the month of January, 1884, he was arrested at this same settlement by a Mr. McTurk, who stated that he was a magistrate of the neighboring English Colony; that he was taken to the Georgetown, Demerara, Gaol, where he remained two months while being tried by the Tribunals of Justice of said Colony; that in order to recover his liberty he had to pay the sum of twenty-five dollars in which he was fined; that it is true that there are on the Eastern branch of the Amacuro, at this same settlement, two persons called Francis Nuñez and George Jeffrie, who style themselves Constables appointed by the Government of the neighboring English Colony; that they have erected a wooden house which serves as a public office; that the month before last, an English Magistrate, accompanied by several armed policemen, came to this settlement on board a revenue-cutter flying the English flag and exercised acts of authority in said house or public office, over which the English flag was likewise hoisted. This deposition was read to him and he declared it to be correct, and he does not sign it because he does not know how, Citizen Ernesto Courlaender, Captain of the national steamer Libertad doing so for him and at his request.

JESUS MUÑOZ TEBAR.
SANTIAGO RODIL.

By request of Roberto Wells.

E. COURLAENDER.

Immediately thereupon Citizen Aniceto Ramones, a sailor on the rivers Orinoco, Amacuro, Barima and Waini, appeared, and after being informed of the object for which he was summoned, he took the oath in the form prescribed by law and stated: That it is true there is a schooner called the Transfer which serves as a revenue-cutter for the Government of British Guiana, and that said schooner has come to this settlement on various

occasions bringing on board an English Magistrate and armed policemen with the special object of trying, judging and deciding upon criminal and police cases, which acts he exercises as an English authority, in a wooden house with a thatched roof, which serves as a public office and is situated upon the Eastern bank of River Amacuro, at this same settlement and over which the English flag is hoisted; that whenever his sloop Joven Modesta comes in, a Police Constable, who claims to have been appointed by the Government of the Colony in Georgetown, Demerara, comes on board to search the vessel and prohibits him from selling the merchandise which has been lawfully dispatched by the Custom-House at Ciudad Bolivar; that the same prohibition exists at River Barima, for which reason he has to leave his cargo on the west shore of River Amacuro, as he is not allowed to sail to Branch and River Barima except in ballast; that in order to allow him to trade on the right bank of the Amacuro and on River Barima, he is required to take out a license in the city of Georgetown; that he knows also, that Citizen Roberto Wells, a Venezuelan Commissary, was arrested at this same settlement and taken to the Georgetown Gaol by an English Magistrate who came expressly from that city to arrest him. This deposition having been read to him, he declared it to be correct and signs it with us.

JESUS MUÑOZ TEBAR.

SANTIAGO RODIL.

ANICETO RAMONES.

Next appeared a citizen who gave his name as Alfonso Figueroa, a Venezuelan, of the settlement of Amacuro, who, being informed of the object for which he was summoned, took the oath prescribed by law and stated: That it is true that in the month of June of the present year the English authorities erected a wooden house with a thatched roof on the Eastern bank of the River Amacuro at this same settlement, to serve as a public office; that it is true that the Government of the English Colony in Georgetown, Demerara, appointed to be Constables on the Eastern bank of the Amacuro, Francis Nuñez and George Jeffrie, who exercise authority in this capacity; that

said Constables levy taxes upon licenses, without which they do not allow trade; that it is true that an English revenue-cutter has come from Georgetown, carrying on board an English Magistrate accompanied by armed policemen. This deposition having been read to him, he declared it to be correct and signs it with us.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL,
ALFONSO FIGUERO.

We certify that Citizen N. N. Morgado has not deposed, it having been impossible to summon him.

MUÑOZ TÉBAR.
RODIL.

ACT No. 5.

On the same date the Commissioners decided to remove to the Eastern bank of the River Amacuro, in order to ascertain for themselves the existence of the house which the witnesses Wells, Ramones and Figueredo had declared to have been erected to serve as a public office by the English authorities of the neighboring Colony, and to ascertain if Francis Nuñez and George Jeffrie had really been appointed Police Constables by the Government of Georgetown. Having done so, the Commissioners found that a wooden house does really exist, which was erected by order and at the expense of the Government of the neighboring English Colony; and that two individuals, subjects of Her Britannic Majesty, called Francis Stephen Neame and George Benjamin Jeffry (not Nuñez and Jeffrie as stated in the depositions of the witnesses) are in reality the Police Constables who have been appointed by a Magistrate of the English Colonial Government, who, in consequence of our requisition, presented to us their credentials, which are of the following tenor:

BRITISH GUIANA.—L. S.
PRECEPT.

THE RURAL CONSTABLES ORDINANCE, 1884.

To Francis Stephen Neame of Amacuro River, British Guiana.

I, Michael McTurk, one of Her Majesty's Stipendiary Magistrates in and for the Colony of British Guiana, do, under the

power and authority in me vested by the Rural Constables Ordinance, 1884, hereby appoint you,

Francis Stephen Neame,

to be a Rural Constable, and I do issue to you (being duly qualified under the said ordinance to be so appointed) this precept authorizing you to act as a Rural Constable in British Guiana.

Given under my hand, this 6th day of September, 1886.

MICHAEL MCTURK,
Stipendiary Magistrate.

The Commissioners being desirous of obtaining a written answer in fulfillment of the orders of the Minister of Foreign Affairs, decided to address to the aforesaid Neame and Jeffry the following official note, to which was annexed the corresponding English translation :

UNITED STATES OF VENEZUELA.
AMACURO, December 24, 1886.

Messrs. Francis Neame and George Jeffry:

The undersigned having been commissioned by the President of the Republic to reorganize the commissaryships in the districts of Amacuro, Barima, and Waini, which form a part of the territory Delta, have been surprised with the news that you are exercising authority in this place by order and as the representatives of the Government of the neighboring Colony of British Guiana.

The territory comprised between the rivers Amacuro and Waini is Venezuelan, and has never been considered under dispute with England, and therefore the action of appointing at these places official Agents of the English Colony is one of obvious usurpation, against which we protest in the name of the Government of Venezuela.

We hope that you will kindly inform us by what authority you have been appointed and from what date, and if you have received orders to oppose the Venezuelan authorities from exercising office in these territories.

We are your obedient servants,

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

To this note the aforesaid Neame and Jeffry returned answer, the original of which is annexed, marked by the letter A, and is as follows :

AMACURO RIVER,
BRITISH GUIANA, December 24, 1886.

Gentlemen :

The undersigned have received the official note dated the 24th of December, 1886, requesting us to answer you about our appointment by the English Government of Georgetown, Demerara, and we have the honour to tell you in reality we have been appointed by Mr. Michael McTurk, one of her Majesty's Stipendiary Magistrates in and for the Colony of British Guiana, to be a Rural Constable in British Guiana as you have seen it in the Precept signed by said Michael McTurk which we have shown to you. We also inform you that the undersigned, Francis Stephen Neame, has been acting as Rural Constable since the 1st of March, 1885, and the undersigned, George Benjamin Jeffry, has been appointed acting as Rural Constable since the 6th of September, 1886, Constables in Amacuro River.

We have not received instructions to interfere with the Venezuelan authorities on the left shore and going down the Amacuro River, but we have authority to prevent any Venezuelan craft from selling rum or any spirituous liquor under British territories, in which case any ship selling rum without a proper license given by our Government may be seized at any time.

We remain, gentlemen, your obedient servants,

FRANCIS STEPHEN NEAME,
G. B. JEFFRY.

To Mr. Dr. J. Muñoz Tebar and Santiago Rodil.

In view of this answer and in fulfillment of one of the instructions received, the Commissioners made a public declaration before the inhabitants of this settlement, that the sovereign of those territories is Venezuela and not Her British Majesty.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT No. 6.

To-day, the 25th day of December, 1886, the Commissioners having resolved on proceeding to branch and river Barima in fulfillment of their instructions, ratified the appointment as Police Commissary of the Western bank of the Amacuro of citizen Roberto Wells who, for the past two years, has filled this office to the satisfaction of the Government of Venezuela, and appointed citizen Alfonso Figueredo Police Commissary of the Eastern bank of said river, issuing to both of them the respective commissions.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT No. 7.

At a sitting on the same date, and on board the national steamer Centenario anchored off Point Barima, the Commissioners decided to appoint citizen Leon Silva as Commissary in the settlements lying on the northern bank of branch Barima, and citizen Pedro Farrera as Commissary in the settlements lying on the southern bank of the aforesaid branch Barima, to both of whom the respective commissions were issued.

Immediately thereupon the Commissioners decided to remove to the national steamer Libertad, in order to explore branch Barima and enter the Aruca River.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT No. 8.

On the same day, the 25th of December, 1886, at 5 o'clock P. M., the Commissioners held another sitting at the settlement of Aruca, lying on both banks of the river of the same name; and having been informed that there was at that place a Police Constable, appointed by authority of the Government of the neighboring English Colony, the Commissioners had him looked for. An inhabitant, Alexander Orderson by name, informed

them that there is in fact at the settlement of Aruca an individual by the name of Harrington, who exercises authority as Police Constable, and was appointed by E. F. Jm. Thurn, who is a Justice of the Peace at Macarena on the River Pomaron : but that at present the aforesaid Harrington is absent, in Georgetown ; that he has been in office for the past three months, at which time the murder of a *coolie* (a native of Hindoostani) took place ; that the Justice of the Peace, Mr. Jm. Thurn, came there expressly to try the murderer (an Indian called Samuel), and eventually took him to Georgetown, where he was sentenced by the Courts of Justice to five years imprisonment in the gaol of the Mazaruni.

In answer to a question of the Commissioners, as to whether the inhabitants did not know that these territories belonged to Venezuela, Mr. Orderson said that up to the time that several American gentlemen of the Manoa Company came there, all the inhabitants considered themselves in this place as upon Venezuelan territory ; that after that time agents of the Government of the neighboring English Colony had informed them that this territory belongs to Her British Majesty ; that he had mercantile relations on the Orinoco, but that the English authorities had prohibited the bringing of merchandise from Venezuela, for selling, especially rum and tobacco. This same information was confirmed by the inhabitants Pascual Moreno, Edward Harding and William Peters.

On account of its being a holiday the inhabitants of the place had met in large numbers at the house of Mr. Orderson, and the Commissioners availed themselves of this circumstance to notify them that Venezuela is the sovereign of the whole of this territory, and not Her Britannic Majesty ; and that in consequence the Government of the English Colony had no right whatever to exercise acts of authority therein, the Commissioners protesting against such acts in the name of the Government of Venezuela.

The Commissioners then issued a warrant appointing citizen José Pascual Moreno Commissary in the settlement of Aruca on both banks of the river of this same name.

The Commissioners certify that at this settlement there is no public building erected by the English government.

The Commissioners then decided to return to the mouth of branch Morajuana in order to continue their journey next day through this branch to River Waini.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT No. 9.

The Commissioners spent the next day in passing branch Morajuana, which they entered at five o'clock in the morning and in going up the river Waini, passing by the settlements of Cucurital and the mouth of River Paramán in search of the village of Huapana, where it is said there is a church and a school-house, established there by the English authorities, which, however, could not be reached although sailing until seven o'clock in the evening, at which hour the steamer Libertad was made fast to the bank of said river Waini, to wait for the next day.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT No. 10.

To-day, the 27th of December, 1886, the Commissioners held a meeting at the village of Cuabana, lying on the right bank of the river Waini, where there is a hut with a thatched roof which serves as a Protestant church and at the same time as a public school.

The English Government has no Police Constable in this village, but Jacobus Ingles said that there is one, appointed by said Government, at a village called Guaramuri, lying on the banks of river Moroco.

The Commissioners declare that all the inhabitants of the village of Cuabana are Guaica Indians, who preserve their own language.

The undersigned informed the master, Jacobus Ingles, that

they had gone there as Commissioners for the President of the Republic, to notify the inhabitants of these settlements that the territory upon which they lie belongs to Venezuela and not to her Britannic Majesty, and required him to notify of this the aborigines who inhabit the village.

The Commissioners remark that in the Marriage-Registers kept at this place by the missionaries, it is called Saint Agathas Kwabannch in the parish of the River Waini, county of Essequibo.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT NO. 11.

On the same day, the 27th of December, the Commissioners issued the following appointments as Commissaries: To Francisco Arela for the settlement of the mouth of branch Paramán; and to Próspero Cedeño for the settlement of Cucurital, both on the bank of river Waini.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT NO. 12.

At a sitting on the 28th of December, 1886, on board the national steamer Libertad, anchored off the settlement of Morajuana, lying on both banks of the branch of the same name, the Commissioners decided to appoint citizen José Ignacio Garcia Commissary, and notified him, in order that he should inform all the inhabitants, that this territory does not belong to Her British Majesty's Government but to that of Venezuela.

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT NO. 13.

On the same day, the 28th of December, 1886, the Commissioners, sitting on board the national steamer Centenario, anchored off Point Barima, taking into consideration all the difficulties that the National Government will meet with in communicating frequently with the Commissaryships created by

the undersigned, and considering the advantages presented by the position of the village of Curiapo, lying on the Great mouth of the Orinoco, to make it the head of all these Commissaryships, have decided to appoint an inhabitant of this village Mayor (Jefe Civil) of said village and of all the territory embracing the Commissaryships that have been reorganized by the Commissioners; and in consequence, issued this appointment to citizen Aniceto Ramones, who has done useful services to the Commissioners; accompanying them in all their excursions as pilot on the rivers Amacuro, Barima, Aruca, and Waini.

The Commissioners then decided to address the following official telegram to the President of the Republic, which will be conveyed to Ciudad Bolivar by the Captain of the Libertad, sailing this evening for that port.

Illustrious American, President of the Republic, Caracas:

On the Eastern bank of river Amacuro we found a house serving as a public office, erected by the English and two Constables with Commissions issued by the authorities of the neighboring Colony. We have a written answer from the latter. On branch Barima, River Barima and branch Morajuana there are only a few isolated farms (*conucos*). On the Aruca, an affluent of the Barima, there is a considerable settlement with an English Constable whom we did not meet there, he having gone to Georgetown. We sailed up the Waini a distance of more than one hundred and fifty miles, as far as the village of Cuabana. There is at this place a hut that serves as a church and schoolhouse. At all these places we have publicly proclaimed that the territory belongs to Venezuela and not to Her British Majesty. We have appointed ten Commissaries. The Libertad returns to Bolivar carrying this dispatch, while we go on to Georgetown in the Centenario. The spot for the erection of the lighthouse at this Point has been surveyed.

JESUS MUÑOZ TEBAR.
SANTIAGO RODIL.

This same dispatch was directed to the Minister of Foreign Affairs.

JESUS MUÑOZ TEBAR
SANTIAGO RODIL.

ACT No. 14.

At a sitting on the 1st of January, 1887, on board the national steamer Centenario, anchored in the River Demerara, off Georgetown, the Commissioners decided to address the following note to the Venezuelan Consul in this city.

On board the Venezuelan Man of War Centenario,
Anchored in the River Demerara, off Georgetown.
January 1st, 1887.

To the Venezuelan Consul in Georgetown:

We the undersigned have come, as you may have seen it by the credentials which we have presented to you, as Commissioners for the President of the Republic of Venezuela, to study and put into execution the affairs which we now proceed to state to you.

As the large increase of navigation on the Orinoco has made it urgently necessary, the President of the Republic has decided upon the immediate erection of a lighthouse at Point Barima and this is one of the objects of our Commission.

But, as besides this, the Government of Venezuela has received information that on the Amacuro, Barima, Waini and other rivers there are some individuals who style themselves Constables, claiming to have been appointed by the authorities of this English Colony, the President of the Republic has likewise ordered the investigation of these facts and the reorganization of the Commissaryships in the settlements lying on the banks of the aforesaid rivers; and this is another of the objects entrusted to the Commissioners.

In fulfilment of the instructions we have received and after having begun the preparatory work for the erection of the lighthouse at Point Barima, we proceed to explore the Amacuro river, branch Barima and branch Morajuana and the Barima, Aruca and Waini Rivers. We did in fact find at the settlement of Amacuro a wooden house with a thatched roof, which we were told had been erected by order of the authorities of this Colony, and two individuals who presented to us their Commissions as Constables, signed by Michael McTurk Stipendiary Magistrate. At the settlement of Aruca we were informed by the inhabi-

tants there was also a Constable, whom we did not meet, as he had come to this city. At Cuabana, on the banks of river Waini, a missionary, the Reverend Walter Heard, erected seven years ago, at the expense of the village, a hut which serves as a church and at the same time as a school, the master of which is paid by a religious congregation; but in the marriage and other registers which are kept there, it stated that said village belongs to the County of Essequibo.

At all these places and in fulfilment of the orders of the President of the Republic, we have protested in the name of Venezuela against such acts, and have notified the inhabitants that those territories belong to Venezuela and not to Her Britannic Majesty.

We shall make you, Mr. Consul, a rapid sketch of the prominent facts of this matter.

You are aware that the question of limits between Venezuelan Guiana and British Guiana is pending. Venezuela has always claimed as her limits the left shore of the Essequibo; but since 1803 Great Britain, alleging the existence of Dutch Forts on the other side of the Essequibo, took possession of considerable territory.

Venezuela has been constantly protesting from an early date against such proceedings and endeavoring to bring about a convention of limits between the two countries.

Engineer Schomburgk, who visited the country in 1841, marked out limits which were exceedingly fanciful, as they were based upon no previous facts nor did they rest upon any document, but solely upon purely geographical considerations. He placed a sentry-box, and planted posts and other marks of dominion at Port Barima. The timely and just remonstrances of Venezuela against such pretensions succeeded in obtaining their removal, and then negotiations were commenced for a treaty of demarcation. The Plenipotentiary of Venezuela proposed that it should be drawn at the Essequibo and Lord Aberdeen at the Moroco. The death of the Plenipotentiary of Venezuela unfortunately interrupted the negotiation.

In 1881 Lord Granville already desisted from the line of his predecessor and asked that it should commence above the Mo-

roco, twenty-nine miles to the east of the eastern bank of river Barima. Venezuela has not accepted this proposition and asks for arbitration as the most reasonable way of putting an end to these matters between two nations who have preserved, as they now preserve, relations of friendship, frank and sincere.

A Convention exists which, on the 18th of November, 1850, was proposed by Mr. Wilson, British Chargé d'Affaires at Caracas, who, on account of the rumor having spread that a Fort was about to be erected at Point Barima, declared in the name of his Government that the latter had no intention whatever of occupying or encroaching upon the territory in dispute; neither would they order or sanction such occupations or encroachments on the part of their authorities, and he requested and obtained a similar declaration from the Government of Venezuela. But we must remark to you, Mr. Consul, that Venezuela has never looked upon the lands watered by the Amacuro, the Barima, and the Waini as being disputable territory.

It is evident, Sir, that England has never considered herself co-proprietor with Venezuela of the mouths of the Orinoco, and the Amacuro empties much above its great mouth, and Point Barima lies on the great river, and branch Barima, together with branch Morajuana, forms an outlet to the Orinoco on its right bank towards the east in all respects similar to that formed on its left bank towards the north by the Macareo, the Peder nales, and other branches which pour into the Gulf of Paria, all of them constituting the Great Delta of this river of which Venezuela is the sole and exclusive proprietor.

As one of the many proofs that Venezuela has of Great Britain's having coincided with these ideas, I enclose a copy of the note written on the 26th of May, 1836, by the British Legation in Caracas, urgently asking for the erection of a lighthouse at Point Barima.

The last news recently received by the Government of Venezuela was to the effect that gold mines are being worked on our territory lying between the Cuyuní, the Mazaruni and the Puruní rivers, and that large quantities of this mineral have already been exported through the Custom House of the city.

One of the instructions received by the undersigned Commis-

sioners, is to the effect that, should the latest invasions of our territory prove to be true, as they have proved, we were to come to this city and lay them before you, which we do by this note, for you to transmit them to His Excellency the Governor, requesting an answer from him on the facts which we have stated to you.

Immediately upon the receipt of this answer, which we hope you will obtain in the shortest possible time, we shall return to Venezuela.

Besides all this, you will kindly inform us in a note of all that you may know in relation to these affairs, accompanying said note with all the official documents that you may be able to procure.

We are, Sir, with high consideration,

Your most obedient servants,

JESUS MUÑOZ TEBAR,
SANTIAGO RODIL.

ACT No. 15.

At a sitting on the 8th of January, 1887, on board the national steamer Centenario, anchored in the river Demerara, off Georgetown, the Commissioners read the following note sent by the Consul of Venezuela:

Consulate of the United States of Venezuela.

GEORGETOWN, DEMERARA, January 8th, 1887.

Messrs. Commissioners Doctor Jesús Muñoz Tebar and Santiago Rodil:

GENTLEMEN:—On the 1st of the present month I had the honor of receiving your note of same date, but as I have not yet received my exequatur, I had to solicit permission from the Government of the Colony to enter into the discharge of my office, which permission was granted me on the 5th of this month, after certain formalities. On this day I transmitted to His Excellency the Governor of this Colony a certified copy, as well as a translation, of the aforesaid document. On the following day, the 6th inst., I received an answer from His Ex-

cellency the Governor, the original of which I enclose after having taken a copy for the Archives of the Consulate.

Little or nothing can I add, Gentlemen, to what you already officially know. The only thing to which I can call your attention is the manner in which this matter has been decided by the Government of Great Britain. They have already established authorities at the most important points of the usurped territory, especially in the mining district lying between the rivers Cuyuní, Essequibo, Mazaruni, and Puruni, where there is at present a mining population of from three to four thousand men.

According to the last statement of the Custom-House, there were exported through this Custom-House about 6,518 ounces of gold against 936 in the preceding year. This was all clay-gold. I send you herewith several newspapers, especially the official ones of the last months, in which you will find news about this mining and boundary question.

I am, with the highest consideration, your most obedient servant,

MANUEL L. R. ANDRADE.

The note of the Government of the Colony, to which the foregoing dispatch refers, is as follows:

British Guiana—In replying, quote date hereof and No. 141. —Government Seal.—Government Secretary's Office: Georgetown, Demerara, 6th of January, 1887.

SIR :—I am directed by His Excellency, the Governor, to acknowledge the receipt of your letter of the 5th instant, reporting the arrival here, on the 31st ultimo, of the Venezuelan Gunboat Centenario, having on board Señores Dr. Jesus Muñoz Tebar and Santiago Rodil.

Your letter embodies an official note in which those gentlemen have communicated to you the object of their visit to British Guiana.

I am desired, in reply, to refer you to the notice dated the 21st of October, 1886, published in the London *Gazette* by authority of Her Majesty's Government, a copy of which is herewith enclosed, and to state that the Districts referred to in the official note enclosed in your letter are included within the lim-

its, as designed by the terms of that notice, and form a part of the Colony of British Guiana.

I have the honor to be, sir, your obedient servant,

CHARLES BRUCE.

To Manuel L. R. Andrade, Esq., Acting Consul for Venezuela:

I certify that the above signature is the true signature of Charles Bruce, Secretary-General to the Government of this Colony.

Consulate of the United States of Venezuela in Georgetown, Demerara, 7th of January, 1887.

MANUEL L. R. ANDRADE.

(Seal of the consulate.)

Extract from the London *Gazette*, dated 22d October, 1886:

COLONIAL OFFICE, DOWNING STREET, October 21, 1886.

THE COLONY OF BRITISH GUIANA.

Whereas, the boundary line between Her Majesty's Colony of British Guiana and the Republic of Venezuela is in dispute between Her Majesty's Government and the Government of Venezuela; and whereas, it has come to the knowledge of Her Majesty's Government that grants of land within the territory claimed by Her Majesty's Government as part of the said Colony have been made, or purport to have been made, by or in the name of the Government of Venezuela, notice is hereby given that no title to land, or to any right in or over or affecting any land within the territory claimed by Her Majesty's Government as forming part of the Colony of British Guiana, purporting to be derived from or through the Government of Venezuela or any officer or person authorized by that Government, will be admitted or recognized by Her Majesty or by the Government of British Guiana, and that any person taking possession of or exercising any right over any such land, under color of any such title or pretended title, will be liable to be treated as a trespasser under the laws of the said Colony.

A map showing the boundary between British Guiana and Venezuela, claimed by Her Majesty's Government, can be seen in the Library of the Colonial Office, Downing Street, or at the

office of the Government Secretary, Georgetown, British Guiana.

Certified a true extract from the *London Gazette*.

C. BRUCE,

Consulate of the United States of Venezuela.

I certify the above to be the true signature of Charles Bruce, Secretary-General to the Government of this Colony.

MANUEL L. R. ANDRADE.

(Seal of the Consulate.)

The Commissioners, considering that by the receipt of the foregoing notes the object for which they were sent by the National Government has been achieved, decided to consider their work at an end and to return to Venezuela to present their report to the President of the Republic.

JESUS MUÑOZ TEBAR.

SANTIAGO RODIL.

Dr. Urbaneja to Mr. St. John.

DEPARTMENT OF FOREIGN AFFAIRS.

CARACAS, January 26, 1887.

SIR:—In conformity with the information given to Your Excellency by this Department on the 7th of December last, the President of the Republic sent Engineer Dr. Jesús Muñoz Tebar and General Santiago Rodil as Commissioners to Barima and other points, with the views which have already been mentioned.

The Chief of the Commissioners has just returned here, and has reported to the Government the results of their work.

The grave news which caused this step to be taken has unfortunately been confirmed.

In the first place the Commissioners found two Constables at the settlement lying on the right bank of the Amacuro, to wit, Messrs. Francis Stephen Neame and G. B. Jeffry, who showed them the warrants which appointed them "Rural Constables," issued on the 1st of March, 1885, and on the 6th of September, 1886, respectively, by Mr. Michael McTurk, calling himself a Stipendiary Magistrate of Her Majesty, in and for the Colony of British Guiana. In answer to a communication of the Commissioners,

said Constables assured them that they had received no orders to oppose the Venezuelan authorities of the left bank, which should descend the Amacuro; but that they had authority to prevent any Venezuelan vessel from selling rum or spirituous liquors on British territory, and, they added, that any vessel selling rum without a proper license from their Government (*i. e.*, that of Demerara) might be seized at any time.

At the aforesaid settlement of Amacuro the Commissioners took sworn depositions from the Venezuelan Commissary, Mr. Roberto Wells, and from Messrs. Aniceto Ramones and Alfonso Figueredo. These depositions corroborated the facts of the capture and kidnaping of the first named at the aforesaid place, his conveyance thence to Georgetown, and his imprisonment in the gaol of that city during two months, his trial and sentence to pay a fine of twenty-five dollars. They ascertained, besides, that a wooden house, with a thatched roof, which serves as a public office, and over which flies the English flag, had been erected by and at the expense of the Colonial Government, which house the Commissioners saw. They, in the same manner, proved the fact that an English Revenue Cutter, called the *Transfer*, had, on several occasions, gone to Amacuro, having on board a British Magistrate and armed policemen, who went there with the object of trying, giving judgment, and deciding criminal and police cases; and that at Amacuro, as well as at Barima, vessels are searched which have been legally dispatched in Ciudad Bolivar; which vessels are forbidden from selling their goods and from going on to Branch Barima, unless in ballast, requiring them to provide themselves with permits in Georgetown, before allowing them to transact any business.

The Commissioners went to the right bank of the Amacuro, where they communicated both verbally and in writing with the aforesaid Constables. They then proceeded to the settlement of Aruca, where they were told that there was a Constable, Harrington by name, who was away at the time, and that a Justice of the Peace had been there three months before on account of the murder of a coolie, the author of which had been arrested and taken to Georgetown for trial. He was sentenced to five years' imprisonment.

At Cuabana, a settlement lying on the right bank of River Waini, they found a hut, serving as a Protestant church and public school, which had been erected by direction of Missionary Walter Heard. In the Marriage Registers which are kept there, it is stated that that place belongs to the County of Essequibo. No Constable was found at this place; but, according to the information given by the schoolmaster, Mr. Jacobus Ingles, the Colonial Government has one at the village of Guaramari, on the banks of River Moruca.

The Commissioners ascertained likewise that gold mines were being developed by the English authorities on our territory situated between Rivers Cuyuni, Mazaruni, and Puruni, and that large quantities of this mineral had already been exported through the English Custom-house.

The Commissioners finally proceeded to Georgetown, and, though the Venezuelan Consulate in that city, acquainted the Governor of Demerara with the objects of their Commission, the measures they had taken by virtue of same and the violations of Venezuelan territory which they had discovered. The Secretary of said British official simply answered, on the 6th of this month, that he referred the Commissioners to the notice published in the *London Gazette* of 21st of October, 1886, a copy of which he enclosed; and stated that the districts referred to in the official note of the Commissioners were included in the boundaries established by the terms of the notice, and are part of the Colony of British Guiana.

It is proclaimed and notified in said notice that: whereas the boundaries between British Guiana, one of Her Majesty's Colonies, and the Republic of Venezuela, are under dispute between Her Majesty's Government and the Government of Venezuela, and, whereas, Her Majesty's Government has received information that the Government of Venezuela has made, or is about to make, grants of land within the territory claimed by Her Majesty's Government, such titles will not be admitted or recognized, and any person taking possession of said lands, or exercising any rights thereon, on pretence of such titles, will be prosecuted as trespasser, according to the laws of the Colony. In conclusion the notice says, that in the Library of the Colonial

Office in Downing Street, or in the Office of the Government's Secretary in Georgetown, British Guiana, may be seen a map showing the boundaries between British Guiana and Venezuela claimed by Her Majesty's Government.

One cannot understand why these boundaries are not specified in the notice itself, but have been left to a map which is separated from the notice with which it is connected.

There is, then, not the slightest doubt that an extensive portion of Venezuelan territory, and the great artery on the north of the South American Continent, the Orinoco, are, *de facto*, under the dominion of Great Britain, under the fragile pretext that there is a dispute about limits between the Republic and Her Majesty's Government. The logical conclusion from the existence of a controversy about the proprietorship of lands and waters would be, at most, the convenience of neutralizing, by common consent, the places in litigation, pending the decision of same. But for one of the contending parties to decide upon the appropriation of the object under controversy by himself, and in contempt of the rights of the other, is, by the light of all jurisprudence, an unjustifiable violation of the most sacred right of a nation; it is a deadly wound inflicted upon the sovereignty of the Republic. Great Britain has re-proved, in a similar case, the self-same action which she to-day takes with Venezuela.

According to the Order issued by the King of Spain in 1768, the Province of Guiana was bounded on the South by the Amazon and on the east by the Atlantic Ocean; so that the acquisitions of other Powers within those limits were not valid until they were made lawful by the posterior consent of said Monarch. In regard to the Netherlands, to whose rights Great Britain has succeeded, the only portion that was left in their possession of the aforesaid territory, were the establishments of Essequibo, Demerara, Berbice and Surinam, of which the Dutch had taken possession during the long war with their old metropolis which came to an end by the treaty of Munster in 1648. The fact of the Dutch not owning then any other colonies but those mentioned is confirmed by the Extradition Treaty made in Aranjuez between Spain and the Netherlands,

toward the close of the 18th Century, on the 23d of June, 1791, in which treaty only these are enumerated. And it must be remarked, that the Dutch could not continue advancing upon the Spanish possessions, because Article 6 of the Munster Treaty prohibited them from navigating towards them and from transacting any business with them. They continued advancing notwithstanding this; but, far from consenting to these new usurpations, Spain appealed to arms in order to repel them. Lord Aberdeen himself in his note of 30th of March, 1844, to Mr. Fortique, recalls the fact that in 1797 the former attacked the fort of New Zealand, the unfavorable issue of this attack being here of no importance. What it is intended to prove, is, not the superiority of her forces over the Dutch garrison, but the opposition to the latter's advances. Therefore, all that was beyond the Essequibo was out of the jurisdiction of Holland, who, on the other hand, only made over to England in 1814 the establishments of Essequibo, Demerara and Berbice.

In 1844 Lord Aberdeen proposed the Moroco as the boundary.

In 1851 Lord Granville presented to Venezuela a line which commenced 29 miles to the east of the eastern shore of Barima.

In 1886 Lord Rosebery asked for a frontier which should start from the seacoast towards the west of River Waini.

In 1868 the Governor of Demerara, in a decree on the division of registers, did not establish a more northerly one than that of the Pomaron.

It was on the 6th of November, 1886, that, annulling that decree by order of Her Majesty's Government, he established new divisions which reach as far as the Eastern shore of the Amacuro.

It was also in 1885 and 1886 that he appointed Constables for Amacuro.

In 1841 Engineer Schomburgk fancifully marked out the boundaries claimed to-day by her Majesty's Government and planted posts and other marks.

The Republic having taken alarm at these facts, the Govern-

ment sent two Commissioners to Demerara to request an explanation, and instructed their Minister in London to demand the removal of the marks.

The Governor of Demerara said to the Commissioners that, as the limits were in reality undetermined and under discussion, Mr. Schomburgk's action had not been, nor could not have been, taken with the *intention of taking possession*, but as a simple marking out of the lined *presumed upon* by British Guiana, and therefore, while the limits should be undetermined, the Government of Venezuela might be certain that no forts would be ordered to be erected, on the land in question, nor would soldiers or forces of any kind be sent there.

On his side Lord Aberdeen answered that the marks placed by Mr. Schomburgk at some points of the country, which he had surveyed, were simply a preliminary step subject to future discussion between the two Governments; that they were the only tangible means of preparing to discuss the question of limits with the Government of Venezuela, and that they were placed with that express object, and not, as the Government of Venezuela seemed to fear it, *with the intention of indicating dominion or empire on the part of Great Britain*. He added that he was glad to learn from Mr. Fortique's note that the Commissioners sent by this Government to British Guiana had been able to ascertain, through the information given by the Governor of that Colony, that Point Barima had not been occupied by British authorities. This was written on the 11th of December, 1841.

Shortly after, on the 31st of January, 1842, Lord Aberdeen ordered the removal of the marks, with the object of putting an end to the misunderstanding existing in Venezuela with regard to the object of Mr. Schomburgk's survey, and in attention to the renewed representation of Mr. Fortique.

It is beyond the intelligence of Venezuela to conciliate the proceedings of that time, by which it was rendered evident that possession could not be taken of the territory, and the fact of to-day, by which the British Government has arrogated the dominion of what it alleges to claim.

And I must here record that Venezuela never understood

that the proprietorship of the places situated on this side of the mouth of the Pomaron was disputed from her, but only that of those between that river and the Essequibo, and this is clearly proved by Lord Aberdeen's proposal, who was satisfied with the mouth of the Moroco as Western boundary of the British possessions.

But even admitting, for the sake of argument, that the land in litigation was larger, this would not give Great Britain a better right to occupy it, not only by reason of the cause itself, but because she made the engagement not to occupy the territory in dispute.

I refer to the Convention made in November, 1850, by the exchange of notes, with Mr. Wilson, British Chargé d'Affaires, at his own request and in pursuance of the definite instructions of his Government. This gentleman first of all declared devoid of foundation and the reverse of the truth the rumors then generally prevalent here, that Great Britain wanted to claim the Venezuelan Guiana as her property; he next declared that Great Britain would not occupy or encroach upon the territory in dispute, neither would she order such occupation or encroachment, nor sanction it on the part of her authorities; and he requested and obtained a similar declaration from Venezuela.

It is therefore clear that Great Britain has violated this convention, which was her own work, by entering Venezuela through forbidden places, visiting rivers Waini, Morajuana, Amacuro and Branch Barima; by posting notices on the trees of the shores, whereby it was intimated that her laws were in force there; by appointing Constables; by carrying away a Venezuelan Commissary under the pretext that he had ill-treated a Portuguese subject, although this was in the jurisdiction of the Republic, taking him to Georgetown, imprisoning him, trying him and inflicting a fine of twenty dollars; by establishing a public office at Amacuro; by cruising in the space comprised between this river and the Barima, in the revenue-cutter *Transfer*, including those territories in the District of the Governor of Demerara; by sending a Magistrate

to the same, to try and decide on criminal and police cases ; by authorizing the working of mines on Venezuelan territory, and finally, by appropriating said territory because, as it says, the dispute on limits is pending.

As Minister for the Republic, General Guzmán Blanco claimed from the British Government, in a note dated on the 28th of July last, the satisfaction which these facts demand ; and the answer has been to proclaim and notify by means of a notice published on the 21st of October, 1886, in the *London Gazette*, that the territory marked out by Engineer Schomburgk is their property.

That is to say that the Government of Great Britain has decided for itself and by itself to the exclusion of Venezuela, that she is proprietor of the mouth of the Orinoco, the most important river of the Republic, of which the Barima and the Morajuana are branches, including also Point Barima, and which her Chargé d'Affaires, Sir Robert Porter, spontaneously acknowledged on the 26th of May, 1836, to be under the sovereignty of Venezuela.

Venezuela has frequently proposed that the question be submitted to the decision of an arbitrator on rights, and Her Majesty's Government has refused, alleging that this method cannot be applied to a controversy on limits. It has persisted in this refusal, although reminded that by the conventions of 1827 and 1871. England herself referred to an arbitrator a dispute on limits between herself and the United States, one about her possessions in North America and the other in reference to the canal of Haro, with the circumstance that, in the latter case, the proposal came from herself as many as six times.

Venezuela is still willing to settle this controversy by means of arbitration, the only method compatible with her Constitution now in force.

By virtue of the preceding statements the President of the Republic demands from Her Majesty's Government the evacuation of the Venezuelan territory from the mouths of the Orinoco to the Pomaron, which it has unduly occupied, with

the understanding, that if by the 20th of February next, date at which Congress meets, to whom the Government must render account of everything, no answer has been received, or a negative answer has come, the diplomatic relations between the two countries will be severed from that date.

I beg to renew to Your Excellency the assurances of my highest consideration.

DIEGO B. URBANEJA.

To His Excellency F. R. Saint John, etc., etc.

Mr. St. John to Dr. Urbaneja.

BRITISH LEGATION.

CARACAS, January 31st, 1887.

Señor Ministro :

Referring to my interview of the 6th of December last with His Excellency the President of the Republic and to Your Excellency's note of the day after, in which was signified to me the intention of the Government of Venezuela to proceed at once to occupy Barima Point by erecting there a lighthouse in compliance with the alleged desire of Her Majesty's Government, I am now instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to state to Your Excellency for the information of the President, that the request by the British Consul for the erection of such a lighthouse in 1836, was unknown to, and unauthorized by, the British Government of the day ; that an attempt to erect such a lighthouse without the consent of Her Majesty's Government would be a departure from the reciprocal engagement taken by the Governments of Venezuela and England in 1850 not to occupy or encroach upon the territory in dispute between the two countries ; and that Her Majesty's Government would be justified in resisting such a proceeding as an act of aggression on the part of Venezuela.

Nevertheless, as it appears that a Light at Barima Point would render the navigation of the Orinoco river safer, and

thus be of undoubted benefit to commerce generally, Her Majesty's Government do not desire unduly to insist on their rights, and I am in consequence instructed to inform the President that they will give their consent to the erection of a Light at Barima Point, on condition that an arrangement shall be come to between the two Governments as to the quantity of land to be occupied for the purpose, and that the Venezuelan Government shall give a formal engagement in writing that the placing of the Light will in no way be held as prejudicing the British claim to the territory in dispute, of which Barima Point forms a part, nor be construed hereafter as evidence of any right on the part of Venezuela to Barima Point, nor as an acquiescence by Great Britain in such an assumption.

I am further instructed to state that on receiving such written assurances, Her Majesty's Government will be prepared to instruct the British local authorities not to offer any opposition to the erection of the proposed Light, but must warn the Government of Venezuela against the danger of their taking action in the matter without a previous understanding with Great Britain.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

F. R. ST. JOHN.

His Excellency Dr. Diego B. Urbaneja, etc., etc., etc.

Dr. Urbaneja to Mr. St. John.

DEPARTMENT OF FOREIGN AFFAIRS—D. P. E.—No. 47.

CARACAS, January 31st, 1887.

Sir :

I have informed the President of the Republic of the contents of the note which Your Excellency handed to me this morning, in which you state that the request made by the British Consul in 1836 for the erection of a lighthouse at Point Barima was neither known to nor authorized by the British Government of the period; that an attempt to erect such a

lighthouse without the consent of Her Majesty's Government would be an infringement of the mutual engagement made by the Governments of Venezuela and England in 1850 not to occupy or encroach upon the territory in dispute between the two countries; that Her Majesty's Government would be justified in resisting such a proceeding as an aggressive act on the part of Venezuela; that, as the lighthouse at Barima would make the navigation of the river Orinoco safer and would prove of undoubted benefit to commerce generally, Her Majesty's Government do not wish to insist unduly on their rights, and therefore consent to the erection of a lighthouse at Barima on condition that the two Governments enter into an agreement as to the quantity of land to be occupied for this purpose, and that the Government of Venezuela give a written assurance that the erection of the lighthouse will not be considered in any way as prejudicial to the British claim to the territory in dispute of which Point Barima forms a part, nor will be in future considered as a proof of any right of Venezuela to the same, nor as an acquiescence on the part of Great Britain to such a presumption.

Far from finding a way to a solution of the existing difficulties in the aforesaid note, the President of the Republic judges that the same only aggravates them more and more, as will be shown.

He does not admit that now, after fifty years and eight months have elapsed since the step taken by Sir Robert Ker Porter, it be pretended that this step was neither known to nor authorized by the British Government of the period, nor that he be called a Consul, as though to weaken the value of his word. He was a Consul at first; but after the exchange of the Treaty of 1834 between the two countries he was appointed *Chargé d'Affaires*, and it was in this capacity that on the 24th of May, 1836, he urged the establishment of a lighthouse at Point Barima.

Venezuela does not admit now, neither has she admitted before, nor will she ever admit that Point Barima has ever been in question, in the same manner that the Island of Barima is

not, has never been, nor will ever be ; this Island, and also that of Pedernales, are islands which, together with many others, are situated both physically and politically on the great Delta of the Orinoco, the exclusive property of Venezuela, of which country all of them form an integral part.

It is undoubtedly out of respect for this sacred and invulnerable right of the Republic that none of the successive proposals of Lord Aberdeen, Lord Granville and Lord Rosebery include the Island of Barima.

The Government of Her Majesty invokes the Convention of 1850 in order to deny to Venezuela the right of establishing a lighthouse at Barima, thereby justifying more and more the complaints and remonstrances of the Republic, because it is in utter disregard of this same Convention that they have taken possession of the vast territory lying between the Pomaron, Barima and the right bank of the Amacuro, thus making any settlement impossible.

I have already said, and I repeat to Your Excellency, that Venezuela has never considered as being controverted the territory which lies between the Pomaron and the Amacuro, but that which lies between the Pomaron and the Essequibo ; but even in case that the former space were comprised in the dispute, Great Britain could neither have occupied it nor retained it, as she should have been prevented from doing so by the existence of the compact which she to-day invokes against the Republic and which she has infringed for her own benefit.

The President will not submit to the conditions imposed upon him for the erection of the lighthouse at Point Barima, as this would be tantamount to assenting to the advances of Great Britain, which recognize no foundation, and to making declarations which would be damaging to the indisputable right of the Republic.

And now the most important : This is the first occasion on which Her Majesty's Government make known their pretension to the Orinoco and speak of their rights in this respect and pretend to call themselves owners of it, imposing conditions for the use of the lands on which the lighthouse would

be placed. Until now all had been reduced to acts on one side, unknown to the other; but to-day the latter is notified of what is done, and its approval is sought of these acts and pretensions, which are in opposition to its rights.

In consequence, the President of the Republic has instructed me to formally renew the demand contained in my note of the 26th of this month, regarding the evacuation of the whole of the territory occupied and retained by Great Britain, without any right whatever and in violation of the rights of Venezuela, from the Amacuro to the Pomaron, by the 20th of February, date at which Congress will meet.

And I am to add that, in case this has not been done by that time, and, besides, said evacuation is not accompanied by the acceptance of arbitration as the means of deciding the pending litigation on boundaries, the diplomatic relations between the two Governments will be severed and a protest will be entered which will forever secure the rights of Venezuela against proceedings which she should never have expected from a Power with whom she has ever endeavored to maintain the most friendly relations and frank intercourse.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

DIEGO B. URBANEJA.

To His Excellency F. R. St. John, etc., etc.

Mr. St. John to Dr. Urbaneja.

BRITISH LEGATION.

CARACAS, February 15th, 1887.

Señor Ministro :

I have to acknowledge receipt of two notes on the Guiana Frontier question which Your Excellency did me the honour to address to me—one dated the 26th and the other the 31st ultimo—and I must express my astonishment that despite the positive assurance I gave, which was afterwards confirmed by Her Majesty's Government, namely, that Sir Robert Porter's

request in 1836 for the placing of a light at Barima Point had been made without the authority or even the knowledge of Her Majesty's Government, the Government of Venezuela should doubt the statement and persist in regarding the circumstance as justifying their claim to the spot. As well might it on the other side be argued that the merchants of Ciudad Bolivar, or Angostura as it was then called,—presumably from their proximity, better acquainted than Sir Robert with the locality—having petitioned him rather than the Venezuelan local authorities for the means of safer navigation,—that circumstance proved that the merchants looked upon Barima Point as British and not Venezuelan territory.

With equal surprise do I observe that notwithstanding Your Excellency's allusion in your first note to the several instances, namely, in 1844, 1851 and 1886 in which her Majesty's Government have from a friendly feeling to Venezuela, offered to cede the lower right bank of the Orinoco, Your Excellency should affirm in your second note that the Venezuelan Government now for the first time learn (by my note of the 31st ultimo) that the territory claimed by Great Britain extends to the Orinoco.

I have only to add that Your Excellency's first note was transmitted a few days ago to Her Majesty's Government, and that your second note will be forwarded by the next opportunity.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

F. R. ST. JOHN.

His Excellency Dr. Diego B. Urbaneja, etc., etc., etc.

Telegram.

CARACAS, February 11, 1887.

General Guzman Blanco, Macuto :

The English Minister has just addressed the following note to me :

Having telegraphed to Her Majesty's Government the sub-

stance of Your Excellency's note to me of the 26th ultimo, I have this moment received by telegraph instructions from Her Majesty's principal Secretary of State for Foreign Affairs to state to you in reply that the Government of Her Majesty, while still prepared to enter into friendly negotiation with the object of settling the Guiana Boundary question, are unable to accede to the present demand of the Government of Venezuela, much as they would regret the action indicated in the note from Your Excellency above mentioned.

Mr. St. John says that in case there is any answer to be sent by telegraph, there is an opportunity to do so by a steamer sailing to-day for Trinidad, and there will be no other before another week.

DIEGO B. URBANEJA.

Dr. Urbaneja to Mr. St. John.

DEPARTMENT OF FOREIGN AFFAIRS.—D. P. E.—No. 57.

CARACAS, February 11, 1887.

Sir :

Immediately upon the receipt of your note of this date I transmitted it by telegraph to the President of the Republic, who has answered me in the following manner by the same means :

“ Your telegram just received. Say in answer to the English Minister that the Government of Venezuela renew and ratify in all their parts the contents of their notes dated the 26th and 31st of the preceding month, as they cannot enter into a new discussion until Great Britain has evacuated the whole of the territory as far as the river Pomarón, which in conformity with the Convention of 1850, Venezuela has a perfect right to demand.”

I beg once more to renew to Your Excellency the assurances of my distinguished consideration.

DIEGO B. URBANEJA.

His Excellency F. R. St. John, H. B. M., etc., etc.

Mr. St. John to Dr. Urbaneja.

BRITISH LEGATION.

CARACAS, February 19, 1887.

Senor Ministro :

In accordance with instructions which I received to-day from England, I have the honor to state to your Excellency that Her Majesty's Government having been apprised of the recent visit of two Venezuelan Commissioners to a portion of the territory claimed by Great Britain as belonging to the Colony of British Guiana, and of their proceeding there, any interference with British subjects in that locality will not be permitted.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

F. R. ST. JOHN.

His Excellency Dr. Diego B. Urbaneja, etc., etc., etc.

Dr. Urbaneja to Mr. St. John.

DEPARTMENT OF FOREIGN AFFAIRS.—D. P. E.—No. 70.

CARACAS, February 20, 1887.

Sir :

The Republic of Venezuela succeeded to Spain in her rights over the Captaincy-General of the same name by virtue of the Treaty of recognition signed in Madrid on the 30th of March, 1845.

The Province of Guiana formed a part of the Captaincy-General.

The boundaries of this Province were : on the east, the Atlantic Ocean, and on the south the river Amazon.

It was only through cessions made by Spain that these boundaries could suffer any reduction.

The Dutch had taken possession of some points in Guiana during their long war of emancipation, and when Spain recognized their independence, she consented to legalize their usur-

pations on the coast of America, by treaty signed in Munster on the 30th of January, 1648.

In said treaty the establishments of which the Dutch were left in possession were not specified ; but in the extradition treaty made at Aranjuez on the 23d of June, 1791, the Colonies of Porto Rico, Coro, and the Orinoco were mentioned as Spanish and as Dutch, lying opposite to these, those of Saint Eustace, Curacao, and Essequibo, Demerara, Berbice and Surinam.

Of these four last Colonies, the Netherlands transferred three to Great Britain, to wit : those of Essequibo, Demerara, and Berbice, through the London Treaty of 13th of August, 1814.

The English have no further titles in Guiana than those thus transferred to them by Holland.

It must be observed that when the Dutch, infringing the aforesaid Munster, Treaty, which prohibited them from navigating to and trading with the Spanish possessions, endeavored to advance towards the latter, His Catholic Majesty invariably opposed an armed resistance to these attempts at usurpation.

That the Dutch themselves did not believe themselves to be the legitimate owners, on the north side of the Colonies, of a larger portion of territory than the Essequibo, is proved by the fact that no other is included in the aforesaid act of alienation to Great Britain.

Thus, in 1810, the Essequibo was the limit between the Province of Guiana and Holland ; and the same belongs to Venezuela as established by her Constitution.

Since 1822 the Government of Columbia, the predecessor of Venezuela, claimed the Essequibo as the property of the Republic.

In 1841 Engineer Schomburgk, Commissioner for the English Government, made surveys in Venezuelan Guiana and planted posts and other marks of dominion even at Barima and Amacuro.

Public opinion in Venezuela became greatly excited, the

Government protested, and Her British Majesty ordered the removal of the marks, explaining that they had not been placed as a sign of empire. Since then Venezuela has been asking for a treaty which should decide of the misunderstanding on boundaries.

It was only in 1844 that the Plenipotentiary of the Republic, after a long preparation of the preliminaries, opened negotiations for the treaty. Based upon conventional right, upon history, and upon the authority of geographical maps, he proposed the Essequibo as a frontier.

In his turn, Lord Aberdeen, Her British Majesty's Secretary for Foreign Affairs, proposed the Moroco, thereby leaving to Venezuela, as he stated, the free ownership of the Orinoco.

The Republic did not accept a line which deprived her of the territory lying between the Essequibo and the Moroco, and to which the English could present no title whatsoever.

In 1850 the rumor spread that Great Britain wanted to claim Venezuelan Guiana. Mr. Wilson, then Chargé d'Affaires of that Nation in Caracas, contradicted this rumor. He affirmed that it was precisely the reverse of truth; that his Government had no intention of occupying or encroaching upon the territory in dispute; that they would neither order such occupation or encroachment, nor would they sanction them on the part of their authorities; that they would order the latter to refrain from such acts and would with pleasure renew these instructions in case of need. He requested and obtained a similar declaration from Venezuela. The territory in dispute was not specified at the time; but Venezuela has never understood that it was that comprised between the Pomaron and the Amacuro, but that inclosed by the Pomaron and the Essequibo.

Never losing sight of the question, Venezuela urged a settlement in 1876. At the end of five years, in September, 1881, Lord Granville presented a new demarcation which commenced at a place on the seacoast at a longitude of twenty-nine miles to the east of the right shore of River

Barima. He added that in this manner he satisfied the reasonable pretensions and claims of Venezuela and ceded to her the so-called Dardanelles of the Orinoco and the complete dominion of its mouth.

The Republic did not accept this line either, which for unknown motives is still more damaging to her than that of Lord Aberdeen.

In 1883 the British Government joined together the three questions of boundaries, additional duty of 30 per cent. on merchandise coming from the Antilles, and pecuniary claims, and urged an amicable and simultaneous settlement of the same.

In consequence of this, General Guzmán Blanco proceeded to London with full powers in his character of Envoy Extraordinary and Minister Plenipotentiary, and earnestly devoted himself to the settlement of those affairs.

During the negotiation of the new treaty of commerce he had obtained the written promise of Her Majesty's Government to submit all disputes arising between the two countries to arbitration. This involved the boundary question. But before the convention was signed, a change of Ministry took place. Lord Granville's successor, while fulfilling all the promises made by the preceding Administration to other States, refused to keep that which had been made to Venezuela. He alleged that Great Britain could not apply arbitration to controversies on limits. He forgot that she herself had applied it in 1827 and 1871 to disputes of this kind with the United States, the arbiter in the first instance being the King of Holland and the present Emperor of Germany in the second. The motive of the latter was the Canal of Haro, and it was the British Government who, as many as six times, asked for and finally obtained arbitration.

In July, 1886, and as the result of the exertions of the Venezuelan Legation, Lord Rosebery presented a frontier which commenced west of the Waini, and was considered unacceptable for several reasons, one of them being that it was

accompanied by a demand for the free navigation of and commerce on the Orinoco.

While negotiations were being carried on in Europe, several agents of the Governor of Demerara entered Venezuelan Guiana since October, 1884; they placed marks and posted notices, they reached once more the Amacuro and carried away the Commissary, Mr. Roberto Wells, in order to try and to punish him for ill-treatment of a Portuguese subject, which they did, notwithstanding that they had no jurisdiction over the place where the fact had occurred. They at the same time declared those places to be British territory and the laws of the neighboring British Colony to be in force there. The Venezuelan Legation justly protested against such an undeserved grievance and demanded the satisfaction that the case called for.

The remonstrances of Venezuela have not been attended to; they have not deserved an answer. It seems, on the contrary, that they have been taken as a pretext for the aggravation of the offences. On receipt of the news of the last events, the President of the Republic called Your Excellency on the 6th of December, 1886, and requested you to give him any information you might possess on these incredible events. He furthermore advised Your Excellency that he was going to order the erection of a lighthouse at Point Barima, which, since 1836, had been most earnestly urged by Sir Robert Ker Porter, British Chargé d'Affaires. Your Excellency refused to give the requested explanations, because the President did not consent to postpone the execution of his project until Your Excellency had consulted your Government on the subject. This means that Your Excellency wished that the President should not carry out an administrative measure on Venezuelan territory without previously obtaining permission of Her British Majesty, who has occupied and retains this territory without any right whatsoever. In answer Your Excellency has informed me that your Government would consider the occupation of Point Barima as a violation of the aforesaid Convention of 1850, not to occupy or encroach upon the terri-

tory in dispute, and further stated that, as the lighthouse would prove of general utility, they do not wish unduly to insist on their rights and would not oppose the erection thereof, provided an arrangement be come to regarding the amount of land to be occupied for this purpose, and an agreement be made in writing not to consider this fact as prejudicial to the claim of Great Britain upon the territory in dispute of which Point Barima forms a part, and that it be not construed, at a later period, as a proof of the right of Venezuela at Point Barima and the acquiescence of Great Britain to such a pretension.

The Republic has found it most extraordinary that the Convention of 1850 be revoked against her, when it has been violated by Great Britain for her own benefit, and has rejected conditions which, if accepted, would have been destructive of her rights and has declared that such an answer aggravates still more the situation of affairs. It cannot be otherwise, since, by invoking the Convention, the British Cabinet acknowledges the duty there is of complying with it, and their conduct singularly contrasts with what should be the standard thereof.

In order to work upon sure ground and to carry out the erection of the lighthouse, together with other views, the President sent on last December a commission composed of Doctor Jesús Muñoz Tebar and General Santiago Rodil. These gentlemen surveyed several points commencing at Amacuro, and, as the result of their personal observations they have brought the following information: On the right bank of the Amacuro they found two "Constables," to wit, Messrs. Francis Stephen Neame and G. B. Jeffrey, appointed by Mr. Michael McTurk, who calls himself a Stipendiary Magistrate of Her Majesty, in and for the Colony of British Guiana, the first named having been appointed on the 1st of March, 1885, and the second on the 6th of September, 1886. These Constables have authority to prevent any Venezuelan vessel from selling rum or spirituous liquors without a license from the Governor of Demerara, and to seize

any one which may do so. They proved the existence of a wooden house which serves, at Amacuro, as a public office, over which flies the English flag, and was erected at the expense of the Government of Demerara. They ascertained that a British revenue cutter, called the *Transfer*, had called on various occasions at Amacuro, having on board a magistrate, who, accompanied by armed policemen, came to try and decide upon criminal and police cases. They learned that at Amacuro and Barima, vessels are searched which have been legally dispatched at Ciudad Bolivar, and they are forbidden from selling their merchandise and going up Branch Barima except in ballast. They heard that there was another Constable called Harrington at the settlement of Aruca, and that three months before a magistrate had been there in order to arrest and try the murderer of a coolie, who was sentenced to five years' imprisonment. At Cuabana they found a protestant church which serves at the same time as a school-house, and in the Marriage-Register of which it is stated that that place belongs to the county of Essequibo. The Commissioners were informed that the Colonial Government keep a Constable at the village of Guaramuri on the banks of River Moroco. They likewise ascertained that gold mines were being worked by English authority on the Venezuelan territory lying between the river Cuyuni, Mazaruni and Puri, and that large quantities of this mineral had already been exported through the Custom-House at Demerara. The Commissioners proceeded to Georgetown, and through the Venezuelan Consul at that place made the Governor acquainted with the objects of their Commission, what they had accomplished by virtue of same, and with the violations which they had discovered of Venezuelan territory. The Government Secretary answered on the 6th of January that he referred them to the notice published in the *London Gazette* on the 21st of October, 1886, and added that the places mentioned in the official note of the Commissioners were included in the limits established by the terms of the notice *and are a portion of the Colony of British Guiana*. In the notice it is proclaimed and

notified that: Whereas the limits between British Guiana, one of Her Majesty's Colonies, and the Republic of Venezuela are in dispute between Her Majesty's Government and the Government of Venezuela, and whereas information has reached Her Majesty's Government that the Government of Venezuela has made or proposes to make grants of land within the territory claimed by Her Majesty's Government, such titles will neither be admitted nor recognized, and any person taking possession of or exercising any rights on said lands, by virtue of said titles, will be prosecuted as trespassers according to the laws of the Colony. In conclusion it is stated in the notice that a map may be seen at the Library of the Colonial Office in Downing Street, or at the Office of the Government Secretary in Georgetown, Demerara, showing the limits between British Guiana and Venezuela as claimed by Her Majesty's Government.

To what precedes may be added, that the Government of Demerara in a decree issued in 1868 on the division of registers, did not establish a more northerly limit than the Pomarón; and that, annulling the same on the 6th of November, 1886, by order of Her Majesty's Government and doubtless with that sole object in view, he created new divisions which reach as far as the eastern shore of the Amacuro.

The limits now occupied, not claimed, by the English Government are the same which Engineer Schomburgk fancifully marked out in 1841.

On the 6th of January last the Government, strengthened by the most solid reasons, reiterating their willingness to end the controversy by arbitration, demanded from Her Britannic Majesty's the evacuation of the Venezuelan territory from the mouths of the Orinoco to the Pomarón, which she had unduly occupied, with the understanding that if, by the 20th of the present month no answer had been returned or a negative answer had been given, the diplomatic relations between the two countries would be severed from that date.

On the 3d of January, in answering about the conditions on which the English Government would consent to the erection

of the lighthouse at Point Barima, said demand was renewed, together with that of the acceptance of arbitration.

On the 11th of this month Your Excellency notified me that having communicated my note of 26th of January by telegraph to Her Majesty's Government, you had been instructed to say in reply that while being still willing to enter into amicable negotiations with the object of settling the question of limits of Guiana, they could not accede to the present demands of the Government of Venezuela, much as they would regret the proceeding which my note indicated.

I therefore repeated and ratified, in all their parts, the contents of my notes of 26th and 31st of January, as the Executive could not open a new discussion until Great Britain had evacuated the territory as far as the river Pomarón, which Venezuela has a perfect right to demand, in conformity with the Convention of 1850.

The 20th of February has come and also the foreseen event of the denial of the claims of Venezuela.

Thus Great Britain rejects the just and moderate request to repair the wrongs she has done and is still doing to the Republic, in the midst of the friendship which the latter has constantly shown her and against the existence of a treaty which establishes this friendship.

Great Britain has violated Venezuelan territory by entering the same through prohibited places; by appointing Constables, establishing Government Offices over which flies the English flag; by carrying off, trying and punishing a Venezuelan Official, by sending thither, accompanied by an armed police force a Magistrate who has proclaimed those places to be British; by decreeing prohibitions of commerce, by having a revenue cutter to cruise in the space which lies between Amacuro and Barima, comprising these rivers within the jurisdiction of the Governor of Demerara, and by authorizing the development of mines inclosed within the soil of the Republic and by exercising other acts of dominion.

Great Britain has taken upon herself the right of deciding

for and by herself, and in her own favor, a question which regards her as much as it does Venezuela.

Great Britain has declared herself to be the co-proprietor of the Orinoco, the great fluvial artery of the north of South America by taking possession of Branch Barima, one of its mouths, and, by this means, of the commerce of vast regions belonging to various countries.

By doing this Great Britain has acted towards Venezuela in a manner which she has blamed in others.

Great Britain has declared to be her property the places which she has just occupied on the sole ground that their boundaries are in dispute with Venezuela.

Great Britain has infringed, for her own benefit, the Convention which she herself proposed to Venezuela in 1850, and has occupied the territory which had been thus guaranteed.

Great Britain pretends to impose conditions upon the erection of a lighthouse at Point Barima, over which place her own Chargé d'Affaires, on the 26th of May, 1836, spontaneously recognized the sovereignty of Venezuela.

Great Britain will not apply to Venezuela the arbitration which she applied to the United States of America in 1827 and 1871, to decide upon a question of limits, she herself having repeatedly insisted upon it in the latter case.

Great Britain has progressively increased her own advances from the Essequibo to the Pomaron, the Moroco, the Waini, the Barima and the Amacuro.

Great Britain has therefore violated the rights of sovereignty and of independence of Venezuela, depriving her of the most sacred and inviolable of the properties of a nation, to wit, that of her territory.

Venezuela must not preserve relations of friendship with a nation which has thus offended her, and in consequence suspends them from this day.

And she protests before Her British Majesty's Government, before all civilized nations, before the world in general, against the acts of spoliation committed to her detriment by the Government of Great Britain, which she, at no time and for no

consideration will recognize as capable of altering in the least the rights which she has inherited from Spain, and which she will be ever willing to submit to the decision of a third power, as the only means of solution, compatible with her constitutional precepts.

After writing the above note I have received that which Your Excellency addressed to me dated on the 19th instant, and in which you inform me by order of Her Majesty's Government that the latter, having been apprised of the visit of two Venezuelan Commissioners to the portion of territory claimed by Great Britain as belonging to British Guiana, and of what they did there, any interference with British subjects in that locality will not be permitted.

This demonstrates more and more that Great Britain already openly arrogates the jurisdiction over the territory of Venezuelan Guiana, which she has occupied because she claims it and pretends to act therein as the true and exclusive proprietor, without the least regard for the rights of the Republic, who look upon it as her property. In consequence the Republic cannot but ratify, as she does ratify, her previous complaints and protests against a proceeding, as arbitrary as it is depressive, which she will always look upon as void and of no effect.

I beg to renew to Your Excellency the assurances of my highest consideration.

DIEGO B. URBANEJA.

PART X.

FOREIGN OFFICE, January 18, 1890.

Monsieur le Ministre:

I am directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 10th instant, informing him of the wish of the Venezuelan Government for the renewal of diplomatic relations with Her Britannic Majesty, and inclosing a copy of the full power granted to you by the President of Venezuela, empowering you to negotiate for that purpose with Her Majesty's Government.

Lord Salisbury desires me to say that as soon as his health is sufficiently re-established, he will be happy to take an early opportunity of arranging a time when he can have the honor of receiving you.

I have the honor to be, Monsieur le Ministre, your most obedient humble servant,

TH. SANDERSON.

Señor Don Modesto Urbaneja.

FOREIGN OFFICE, February 10, 1890.

Monsieur le Ministre:

In compliance with your request I have the honor, by Lord Salisbury's direction, to transmit to you herewith a statement of the condition which Her Majesty's Government consider necessary for a satisfactory settlement of the question pending between Venezuela and Great Britain.

I have the honor to be your most obedient humble servant,

TH. SANDERSON.

Señor Doctor Modesto Urbaneja.

Pro Memoria.

Her Majesty's Government have received with satisfaction the communication from Señor Urbaneja that he has been em-

powered by the President of Venezuela to negotiate for a renewal of diplomatic relations between the two countries, which were interrupted in 1887 by the Venezuelan Government then in office. Her Majesty's Government have on their side always had every desire to cultivate friendly relations with the Republic of Venezuela.

In accordance with Señor Urbaneja's request, the following statement has been prepared of the conditions which Her Majesty's Government consider, for a satisfactory settlement of the questions pending between the two countries :

I. As regards the frontier between Venezuela and the Colony of British Guiana, Her Majesty's Government could not accept as satisfactory any arrangement which did not admit the British title to the territory comprised within the line laid down by Sir R. Schomburgk in 1841. They would be ready to refer to arbitration the claim of Great Britain to certain territories to the west of that line.

II. Her Majesty's Government consider that they are entitled to expect that the differential duties now levied on imports from British Colonies in violation of Article IV. of the Commercial Treaty of 1825, shall be repealed.

III. They would propose that all outstanding claims on the part of subjects of either country against the Government of the other should be referred to a Mixed Commission.

LEGATION OF VENEZUELA.

Remarks in relation to the *Pro Memoria* that Sir. Th. Sanderson, by order of Lord Salisbury, has addressed to me in reference to the conditions that Her British Majesty's Government deem necessary for the satisfactory settlement of the pending questions between Venezuela and Great Britain.

1st. Venezuela possesses titles, historical data, Spanish and English plans, and all kinds of precedents proving that Venezuelan Guiana extends as far as the Essequibo, the natural limit of British Guiana, and in regard to Point Barima, Her British Majesty's Government has acknowledged that said Point

and its island are both Venezuelan territory and property. The Government of Venezuela cannot, therefore, accept, even in one single point, the arbitrary and capricious line made by Schomburgk in 1841, which Her Majesty's Government has declared as inefficient or null, neither is it possible for Venezuela to accept arbitration of any territory lying to the west of said line.

Venezuela, notwithstanding her unquestionable rights, has proposed and still proposes arbitration, embracing all the territory from the Essequibo and the evacuation of those districts invaded from the Pumaron to the Orinoco.

In regard to this, documents give evidence that the British Government had proposed through the Right Honorable Sir Andrew Clark, Lieutenant-General, and the Right Honorable Captain Lowther, to evacuate the invaded territory, and to submit the decision of this question to the arbitration of a friendly power, provided that the Government of Venezuela should declare the diplomatic relations between the two countries restored.

The Government of Venezuela acting upon this spirit, has been pleased to appoint a confidential agent to negotiate a preliminary agreement restoring the diplomatic relations with Her British Majesty's Government. Therefore, the Venezuelan Government has been grieved to see that the conditions demanded by Lord Salisbury, in the *Pro Memoria*, to which reference is made, are more unfavorable to Venezuela—whose President, Doctor Rojas Paul, desires peace and seeks the relations of Great Britain, than the propositions made to the former confidential agent who, when he was President of Venezuela in 1887, severed the diplomatic relations with Great Britain, whom, it appears, has cause of complaint against the magistrate who acted as stated.

The present Government of Venezuela—a constitutional, prudent, and pacific Government which has given no cause of complaint to Great Britain, but, on the contrary, is desirous of renewing the diplomatic relations with Her British Majesty—was in hopes that the conditions imposed by Her British Majesty's Government with this object would be less severe for

Venezuela than those formerly demanded of the Government representative, who in 1887, interrupted the diplomatic relations with Her British Majesty's Government, and of whom Her British Majesty's Government may have cause of complaint.

It therefore becomes necessary to repeat that the present *Pro Memoria* of Lord Salisbury is much more unfavorable to Venezuela than the propositions made to my predecessor by the Right Honorable Gentlemen, Clark and Lowther.

2d. On the matter of the differential duty collected on the imports made from the English Colonies, as well as from the Colonies of other nations, the fact may be brought to mind that Venezuela has constantly and for years complained against the protection given by the authorities in Demerara to the introduction into Venezuela of smuggled merchandise. But in no case can this differential duty be construed as a violation of article 4 of the Treaty of Commerce of 1825.

This difficulty could be completely settled in the new Treaty of Commerce to be agreed upon between Great Britain and Venezuela, because taking into consideration the progress made in the world by civilization and commerce and the increase of transactions of all kinds between the two countries, Great Britain and Venezuela, the treaty of 1825 could be considered as having fallen into caducity.

3d. The manner to settle the claims of each of the two nations, Great Britain and Venezuela, against each other, presents no difficulty, as Great Britain, who may be considered as one of the nation's founders of the universal principles of modern laws of nations, could have no difficulty in applying them to Venezuela in order to stipulate, as other nations have done already, that said claims be made in accordance with the principles of the law of nations, which principles are well known at present in the civilized world.

With the highest respect, and reiterating the wishes that the diplomatic relations between Great Britain and Venezuela be re-established, these remarks are presented on *Pro Memoria* transmitted by Sir Thomas Sanderson by order of Lord

Salisbury, for the renewal of the diplomatic relations between the two mentioned nations.

It is to be hoped that the Government of Her British Majesty, guided by her own sentiments of justice, should modify the conditions of the *Pro Memoria*, so that they be compatible with the sovereignty and the rights of Venezuela, with the respect due to enlightened public opinion, and with the duties imposed by the desire to maintain the interior peace of the Republic and her pleasant relations with the Government of Her British Majesty.

Paris, February 13, 1890.

FOREIGN OFFICE, February 19, 1890.

Monsieur le Ministre :

I have the honor to acknowledge the receipt of your letter of the 13th instant and its inclosure, containing your observations on the memorandum forwarded with my letter of the 10th instant respecting the questions at issue between Her Majesty's Government and that of Venezuela.

I have lost no time in laying your communication before the Marquis of Salisbury.

I have the honor to be with the highest consideration, Monsieur le Ministre,

Your most obedient humble servant,

TH. SANDERSON.

Señor Modesto Urbaneja.

FOREIGN OFFICE, March 19, 1890.

Monsieur le Ministre :

With reference to my note of the 19th ultimo, I have now the honor, by direction of the Marquis of Salisbury, to transmit to you the accompanying memorandum containing the views of Her Majesty's Government on the paper inclosed in your note of the 13th ultimo, relative to the conditions which are held by them to be necessary for a solution of the ques-

tions pending between Great Britain and Venezuela, and for the renewal of diplomatic relations between the two countries.

I have the honor to be, Monsieur le Ministre,
Your most obedient humble servant,

TH. SANDERSON.

Señor Urbaneja.

Her Majesty's Government have given their careful attention to Señor Urbaneja's Memorandum of the 13th of February. The following observations are forwarded in reply :

I. As regards the boundary of British Guiana, Her Majesty's Government have carefully studied all the documents, historical data, maps, and other information which have been communicated or referred to by the Venezuelan Government in the course of the discussions.

They have also recently made further investigations which have resulted in the acquisition of much information of which they believe that the Venezuelan Government is not aware.

After examination of all this evidence they can say without hesitation that the claim of the Venezuelan Government to the Essequibo is one which Spain never asserted, and which Her Majesty's Government must regard as absolutely untenable ; the claim of Great Britain, on the other hand, to the whole basin of the Cuyuni and Yuruary is shown to be solidly founded, and the greater part of the district has been for three centuries under continuous settlement by the Dutch and by the British as their successors.

In these circumstances Her Majesty's Government must decline, as they have repeatedly declined before, to entertain any proposal for bringing into an arbitration claims on the part of Venezuela, which in their full extent involve the title of the larger half of the British Colony.

They cannot admit that there is any foundation for the assertion that any Government of Her Majesty ever recognized Point Barima as Venezuelan territory. Her Majesty's Government have constantly maintained that of strict right they

are entitled to the whole country within the line described in Lord's Salisbury's note to Señor Rojas of the 10th of January, 1880, that is, as far as the highlands of Upata, if not up to the Orinoco itself, and that all settlements by Venezuela to the east of that line are in the nature of encroachments on the rights of Great Britain, whose desire has been throughout to pursue a conciliatory course and to effect a solution by means of friendly compromise and concession.

Her Majesty's Government must repeat that they cannot admit any question as to their title to territory within the line surveyed by Sir R. Schomburgk in 1841, and laid down on Hebert's Map inclosed herewith; on the other hand, Her Majesty's Government do not wish to insist on the extreme limit of their claim, as stated in the note to Señor Rojas referred to above. For the purpose of facilitating a settlement and as an indication of good will towards Venezuela, they would be ready to abandon a portion of that claim, and as regards that part of the territory between the Schomburgk line and their extreme claim, which is indicated by a green line, on the map marked A, and attached hereto, they are prepared to submit their claims to the arbitration of a third party.

Her Majesty's Government have never in any way authorized either Sir Andrew Clark or Captain Lowther to present any proposals to the Government of Venezuela, and they must now, while regretting that Señor Urbaneja should have been misled, state their entire ability to adopt such proposals as he mentions.

II. As regards the question of the differential duties, Her Majesty's Government have the highest legal opinion, in support of their view that these duties are an infraction of the Treaty of 1825. They consider themselves, therefore, justified in claiming the repeal of the duties, quite apart from the question of a fresh Commercial Treaty.

Her Majesty's Government have, on their part, always endeavoured to the best of their ability to prevent all illicit traffic between her Majesty's Colonies and Venezuela, but it would not be reasonable to hold Great Britain or her Colonies re-

sponsible for the conduct of Venezuelan Officials, or for the administration of law outside Her Majesty's Colonial waters.

Her Majesty's Government do not doubt that if the other questions at issue between the two Governments were satisfactorily adjusted, means could be found for arranging on an equitable basis the claims of the two nations against each other on behalf of their respective subjects.

Her Majesty's Government cannot conclude this expression of their views without calling Señor Urbaneja's attention to the annexed notice which appeared in the "Opinion Nacional," of Caracas, of the 24th of January last. A large party of the district, therein granted by contract to Monsieur le Mye is within the Schomburgk line above alluded to, and therefore, within British territory. The contract cannot be recognized by Her Majesty's Government, and any attempt to put the concession in force within that line would entail the risk of a collision with the British Authorities.

FOREIGN OFFICE, March 19, 1890.

The Congress of the United States of Venezuela Resolved :

Article I.

The act of Congress, dated May 12th, 1887, is hereby repealed.

Article II.

The President of the Republic remains in possession of all the constitutional faculties given to him by number 5, Article 66th of the National Constitution.

Article III.

In order that nothing be lacking to the enforcement of the several parts of the plan which the National Government must follow out with the object of attaining a decorous and satisfactory solution of the conflict now existing between Venezuela and Great Britain, Congress shall include in the Budget the amount that shall be deemed necessary for this purpose.

Article IV.

If, before the promulgation of the aforesaid Budget for the coming economic year, the President of the Republic should be in need of making any or various disbursements in connection with this matter, he is hereby authorized to negotiate a loan for the necessary funds, and these will be repaid with the appropriations mentioned in the foregoing article.

Article V.

Let the National Executive be informed of the present act for its execution, giving him the faculty to promulgate this resolution when it may be deemed convenient.

Given at the Palace of the Federal Legislative Corps, and sealed with the seal of Congress, in Caracas, on the eighteenth day of April of the year one thousand eight hundred and ninety.

[L. s.] The President of the Chamber of the Senate,
VICENTE AMENGUAL.

The President of the Chamber of Deputies,
JOSE O. AGUILERA.

The Secretary of the Chamber of the Senate,
PEDRO SEDERSTRONG.

The Secretary of the Chamber of Deputies,
ROMULO M. GUARDIA.

Federal Palace in Caracas, on the twenty-ninth day of April of one thousand eight hundred and ninety. The 27th year of the Law and 32d of the Federation.

[L. s.] Be it enacted and its execution enforced,
RAIMUNDO ANDUEZA PALACIO.

[L. s.] Countersigned,
MARCO ANTONIO SALUZZO.

PART XI.

Extract from the Instructions to Doctor Lucio Pulido.

UNITED STATES OF VENEZUELA,
DEPARTMENT OF FOREIGN AFFAIRS.

CARACAS, May 14th, 1890.

Sir:

Venezuela having made an exhaustive exposition of Venezuela's rights to the territory of Guiana possessed by Spain, the jurisdiction over which the Republic began to exert after the political transformation of 1811, and without detriment to the presentation of said rights again whenever deemed necessary, you should now direct all your efforts to have the question of boundary submitted, in all its points, to the decision of an *arbitrator juris*. This decision must include all and every one of England's pretensions to the territory comprised between the Essequibo and the three lines marked on the plan sent by order of Lord Salisbury to Señor Urbaneja, a copy of which I herewith transmit to you. I should remark, however, that the line presented as that of "Schomburgk" is not the one he designates in his maps under the title of England's claim, but another line going further into the Venezuelan territory. It is the one proclaimed in October of 1887, when the disputed territory was ascribed to Demerara.

If, unfortunately, the English Government shall refuse this solution, you will then notify them that Venezuela might be resigned, as France has been, to the dismemberment of her territory, if such dismemberment were the result of a war in which she should be vanquished, and this notwithstanding her rights of recovery would remain in force; but that, under no consideration will she submit peaceably to the usurpation of her territory.

You will convey this information, first orally and then by writing an official note.

To Doctor Lucio Pulido, Minister of Venezuela.

Dr. Pulido to Sir Th. Sanderson.

HOTEL VICTORIA, NORTHUMBERLAND AVENUE,

LONDON, June 20, 1890.

Sir:

I have come to London in the character of Plenipotentiary *ad hoc* of the Republic of the United States of Venezuela, to succeed Mr. Urbaneja, who remains as Minister Plenipotentiary of Venezuela in the French Republic.

I am duly authorized by my Government to give on their behalf to Her Britannic Majesty's Government the answer to the memorandum addressed by you on the 19th of March last to Mr. Urbaneja, and to continue, should it be so convenient, the negotiations already initiated.

I pray you in consequence kindly to appoint me a day and hour to have the honor to deliver personally to you, after previous verification of my official character, the answer of my Government to the said memorandum.

I have the honor to be, Sir,

Your most obedient servant,

LUCIO PULIDO.

Th. Sanderson, Esq., Under Secretary of State at Her Britannic Majesty's Foreign Office.

Sir Th. Sanderson to Dr. Pulido.

FOREIGN OFFICE, June 21, 1890.

Sir:

I have the honor to acknowledge the receipt of your letter of the 20th instant, which I have submitted to Her Majesty's Principal Secretary of State for Foreign Affairs.

It will give me much pleasure to receive you at the Foreign Office on Tuesday, 24th instant, at 3 o'clock.

I have the honor to be, Sir,

Your most obedient humble servant,

TH. SANDERSON.

Señor Lucio Pulido, Hotel Victoria.

Memorandum by Dr. Pulido, left with Sir Th. Sanderson, Her Britannic Majesty's Under Secretary of State for Foreign Affairs, June 24, 1890.

The Government of the United States of Venezuela is very desirous to renew diplomatic relations with Her Britannic Majesty's Government and wishes to see the said relations re-established under cordial and durable basis. My Government has honored me with full instructions to this effect, and, animated by the most conciliatory feelings, I shall be most happy if I arrive at a final arrangement with Her Majesty's Government.

My Government has seen with great regret the communication exchanged in the months of February and March last, between Mr. Urbaneja, my predecessor, and yourself as Under Secretary at Her Majesty's Foreign Office. And with particular regret has my Government received your last communication, dated the 19th of March ultimo, addressed to Mr. Urbaneja, as in the said communication the conditions under which Her Majesty's Government would consent to a settlement of the question pending with the United States of Venezuela are peremptorily defined. The emphatic statements therein contained in reference to the boundary question between Her Majesty's Colony of British Guiana and the United States of Venezuela, which is in fact the only serious difference existing between both Governments, create difficulties not hitherto contemplated by my Government, and which render impossible a just and honorable settlement. I am instructed by my Government to formally decline the consideration of said proposals.

I am, however, quite ready and most disposed to take part in an informal conference, as suggested by the Honorable Mr. Blaine, Secretary of State of the United States of America, composed of the United States Minister, a representative of Great Britain, and myself as the representative of the United States of Venezuela, to endeavor to reach, by a friendly discussion of the pending difficulties, a final settlement which would permit the Governments of Venezuela and Her Britannic Majesty to renew their friendly relations.

The pending difficulties relative to the additional duties imposed in Venezuela upon Colonial imports ; to the modification of the existing Treaty of Commerce and to certain British claims of other nature against my Government, will be arranged as soon as diplomatic relations between both Governments are re-established; and I do not hesitate to state that the instructions of my Government on these matters are of the most cordial and satisfactory character.

The only pending difficulty between the two Governments over which public opinion in Venezuela is exceedingly excited, and in regard to which my Government must act with great prudence, is the one relating to the boundary between Her Majesty's Colony of British Guiana and the United States of Venezuela. It is materially impossible to settle this question within a short time, but preliminary steps can be at once taken as basis for a final settlement, which steps I have the honor to submit to the consideration of Her Majesty's Government in the present Memorandum.

I would suggest for the renewal of diplomatic relations between the Government of the United States of Venezuela and Her Majesty's Government, that a preliminary agreement be made between both Governments for the purpose of arriving at the final settlement of the boundary question under the following basis :

1st. The Government of the United States of Venezuela should formally declare that the Essequibo, its banks, and the lands covering it, belong to British Guiana, and Her Majesty's Government should formally declare that the Orinoco river, its banks, and the lands covering it, belong exclusively to the United States of Venezuela.

2d. Considering that the region to the West and Northwest of the Essequibo River toward the Orinoco River is not officially well-known, and considering that the surveys made by the explorer, Mr. Schomburgk, cannot be invoked as a title of property against the United States of Venezuela, in the same manner in which the surveys made by several Venezuelan explorers cannot be invoked as a title of property against Her Majesty's Colony of British Guiana, both Governments should at once

agree to appoint a Mixed Commission, composed of two Chief Engineers and their respective staffs, to proceed to make without any delay, and in the course of one year, the chorographical, geographical, and hydrographical maps and charters of the said region, in order to officially determine the exact course of the rivers and streams, the precise position and situation of the mountains and hills, and all other valuable details which would afford to both Governments a reliable official knowledge of the territory which is actually in dispute.

3d. The said official maps and charters would enable both Governments to determine, with a mutual feeling of friendship and good-will, a boundary with perfect knowledge of the case, and a natural boundary between British Guiana and the United States of Venezuela should in all cases be preferred and determined.

4th. But, if in view of such official maps and charters, both Governments do not agree upon a friendly boundary, it should from the present moment be agreed that, in such an event, the final decision and settlement of the boundary question should be submitted to two arbitrators appointed, one by each Government, and a third one elected by the two arbiters for cases of discord, to decide the question, and in view of the original titles and documents which both Governments would then submit to justify their claims to the lands or territories in dispute, the said arbitrators should be authorized to fix a boundary line, which, being in accordance with the respective rights and titles, should have the advantage of constituting as far as possible a natural boundary.

5th. In order to arrive at this desirable result and to prevent any chance of international susceptibilities, both Governments should agree to withdraw or remove all posts or any other indications or signs of presumptive possession and dominion on the said region; until the final boundary has been fixed in the manner aforesaid, and therefore neither Government shall exercise any jurisdiction upon the disputed region, pending the final arrangement.

LUCIO PULIDO.

London, June 24, 1890.

Sir Th. Sanderson to Dr. Pulido.

FOREIGN OFFICE, July 24th, 1890.

Sir :

I duly submitted to Lord Salisbury the memorandum which you were good enough to leave with me on the 24th ultimo, containing the proposals for the resumption of diplomatic relations between Great Britain and Venezuela, and for the settlement of the frontier between the Republic and the Colony of British Guiana:

I have now the honor, by direction of Lord Salisbury, to transmit to you a Memorandum containing the reply of Her Majesty's Government to those proposals.

The reply would not, as you will perceive, exclude further discussion on the special points connected with the frontier which you mentioned at our interview.

But Lord Salisbury has received with great surprise during the last few days the intelligence of the issue by the Government of Venezuela of two decrees, of which copies are inclosed herewith, purporting to establish Venezuelan administration in the districts between Point Barima and the River Pumeroon, and in the neighborhood of the point where the Cuyuni debouches into the Essequibo. Such notices can have no practical effect, and any attempt to put them into execution could only be regarded as an invasion of the Colony and dealt with accordingly.

But Lord Salisbury desires me to state that he cannot but regard the publication of the decrees, at the present moment, as entirely inconsistent with the professed desire of the Venezuelan Government to come to a settlement of pending differences by means of friendly discussion.

Unless the decrees are withdrawn with satisfactory explanations, it appears to him that it will be useless to continue the present negotiations, and that although he will regret their suspension, it will be necessary to defer them until the Vene-

zuelan Government are prepared to treat the question in a more conciliatory spirit.

I have the honor to be with the highest consideration, Monsieur le Ministre,

Your most obedient and humble servant,

Th. SANDERSON.

Senor Don Lucio Pulido.

Memorandum Referred to in the Foregoing Note of Sir Th. Sanderson.

Señor Pulido's Memorandum of the 24th ultimo has received the careful consideration of Her Majesty's Government, who have been desirous of examining in the most friendly and impartial spirit any proposals which the Venezuelan Government may wish to offer for the resumption of diplomatic relations and the settlement of pending differences.

In Señor Pulido's opinion the only matter which presents real difficulties is the question of the frontier between Venezuela and British Guiana, upon which he states that the public opinion in Venezuela is greatly excited. He thinks that it is materially impossible to settle this question in a short time, but as a step towards its final solution he proposes a preliminary agreement to the following effect :

Venezuela to recognize the title of British Guiana to the exclusive possession of the River Essequibo, with its banks and the lands covering it, while Her Majesty's Government would similarly recognize the title of Venezuela to the exclusive possession of the River Orinoco, its banks, and the lands covering it. A Mixed Commission of Engineers appointed by the two Governments to survey in the course of a year, the country to the west and northwest of the Essequibo River and the two Governments then to proceed, with the information thus obtained, to lay down a frontier between their respective territories, giving the preference to a natural boundary. In case of their being unable to agree on a line, the decision of the boundary to be referred to two arbitrators to be appointed one by

each Government, and if they should disagree, to a third arbitrator to be chosen by the other two. Pending these discussions, both Governments to withdraw all posts and signs of presumptive possession or dominion from the territory in dispute.

Her Majesty's Government regret that this proposal is not such as they would feel justified in accepting.

The proposed declaration, if it be correctly understood, would recognize the right of Great Britain to the main stream only of the Essequibo and the land immediately upon its banks, without including its tributaries, in exchange for a similar recognition of the right of Venezuela to the main stream of the Orinoco and the lands upon its banks and in the neighborhood of its mouth, including Point Barima and the adjacent district, while the whole intervening country would remain subject to discussion and in last resort to arbitration. Such a transaction is clearly inadmissible. For in this manner Venezuela would maintain her full claim, surrendering nothing to which she can hope to show any legitimate title, while Great Britain would not only admit the discussion of claims upon the part of Venezuela, for which she has constantly maintained that there is no serious foundation, but would at once and unconditionally abandon a considerable portion of territory of which she is in actual occupation.

That territory, and by far the greater portion of the large tract of country which the Venezuelan Government seeks to put in question, accrued to the Netherlands under the Treaty of Munster of 1648 by right of previous occupation. It was constantly held and claimed by the States-General in succeeding years. It was publicly and effectively occupied by Great Britain during the wars at the close of the last century, and the formal transfer of the country so occupied was effected by the Treaty of Peace with the Netherlands of August 13th, 1814, and was in no way questioned by Spain in the conclusion of peace with her in the same year.

Her Majesty's Government would have no object in joining in such a survey, as is proposed by Señor Pulido, of country

which is already sufficiently well known to them and which has been scientifically surveyed by British Engineers. For many years past British administration has been familiar with the greater part of the districts watered by the Cuyuni and Massaruni Rivers. There is, therefore, already at the disposal of the two Governments ample information for the purpose of settling a general line of frontier, although the decision of any minor points of detail might be properly left to a mixed commission of delimitation.

Her Majesty's Government have indicated in previous statements the extent of the full territorial claim which they believe themselves entitled to make. They have also defined the line within which they consider the British title to be unquestionable. In offering that certain portions of their claim beyond that line should be submitted to arbitration they expressed their willingness to exclude from the proposed reference those valuable districts in the neighborhood of Guacipati, which although falling within their claim, have for some time been in Venezuelan occupation, and in regard to which an arbitral decision adverse to Venezuela might have caused her considerable embarrassment and would have involved heavy pecuniary claims on the part of Great Britain on account of revenue received in past years.

They regret to see that this offer on their part does not appear to have been appreciated or to have met with any response on the part of Venezuela. Her Majesty's Government would not object to receive for examination and possible discussion any suggestion for modification of their proposal in points where the Government of Venezuela consider that the interests of the Republic are seriously involved, but they are unable to depart from the general principle on which those proposals are based, or to accept an eventual reference to arbitration of a character so extensive as the method of procedure suggested by Señor Pulido would not improbably involve.

Her Majesty's Government have more than once explained that they cannot consent to submit to arbitration what they

regard as their indisputable title to districts in the possession of the British Colony.

Every fresh investigation tends only to enforce and enlarge that title, and to make it more incumbent on them to maintain it as an act of justice to the rights and interests of the Colony.

Personal Suggestion. (Made in Writing by Sir Th. Sanderson.)

A line starting from Point Mocomoco, between Point Barima and the River Waini, and striking S. W. to the Amacuro River.

In exchange for compensation the frontier line would follow the course of the River Uruán from its junction with the River Cuyuni, and *might* be extended to the Sierra Usupamo and Sierra Rinocoto.

Dr. Pulido to Sir Th. Sanderson.

PLENIPOTENCY OF THE UNITED STATES
OF VENEZUELA.

LONDON, August 4, 1890.

Sir :

I have received your note of the 24th of last month, to which you have been pleased to join, in a memorandum, Her British Majesty's Government's reply to the one I had the honor to place in your hands on the 24th of June last, containing the counter propositions and the answer of the Government of Venezuela to the propositions presented by you to Señor Urbaneja, my predecessor, in the communication of March 19th of current year for the re-establishment of diplomatic relations between the two Governments, and the solution of the pending questions.

In this note you inform me, "That Lord Salisbury has received with great surprise during the last few days the intelligence of the issue by the Government of Venezuela of two decrees of which copies are enclosed herewith, purporting to

establish Venezuelan administrations in the district between Point Barima and the River Pumaron and in the neighborhood of the point where the Cuyuni debouches into the Essequibo."

And farther on, "Unless the decrees are withdrawn, with satisfactory explanations, that it appears to him that it will be useless to continue the present negotiations, and that although he shall regret the suspension, it will be necessary to defer them until the Venezuelan Government are prepared to treat this question in a more conciliatory spirit."

I have no information from my Government in reference to this new incident; but I think it opportune to suggest that this confirms the necessity of adjusting, in the form employed between civilized nations, the frontiers between Venezuela and the English Colony of Guiana, and at the same time this shows how much it is to be regretted that Her British Majesty's Government should persist in refusing to submit them to the study and decision of arbitrators, as Venezuela has been proposing for the last ten years, and as other nations are doing who have possessions in this same Guiana.

In effect, these frontiers which are more or less uncertain or undefined, from Her Majesty's Government's point of view, as they have been successively extending them solely on their own authority during the last fifty years, cannot but give rise to conflicts upon the rights of authority and territorial jurisdiction. If Her British Majesty's Government has occupied in 1884 these territories, declared as contestable and neutral by both Governments in 1850, and takes measures proper to a permanent establishment therein, there is, in reality, no reason to be surprised that Venezuela does not abandon her rights and her jurisdiction upon them while the question is not settled in the customary form, or while said territories are not taken from her by force, which unhappily is still imposed upon them as an inexorable necessity.

I will transmit to my Government the communication and memorandum you have sent me, reserving my definite answer for such a time as I may receive the necessary information and instructions.

I have the honor, sir, to present to you the assurance of my highest consideration.

LUCIO PULIDO.

This is a copy.

The Chancellor, J. PIMENTEL.

Sir Th. Sanderson, Under Secretary of Her British Majesty in the Department of Foreign Affairs.

Dr. Pulido to the Venezuelan Minister of Foreign Affairs.

(Number 18.)

PLENIPOTENCY OF THE UNITED STATES OF VENEZUELA.

LONDON, August 6th, 1890.

Ciudadano Ministro:

I write this communication as a necessary complement to the one addressed to you yesterday, numbered 17.

Wishing to penetrate into the meaning of the intimations contained in the paragraphs from the communication and memorandum of Sir Th. Sanderson, dated on the 24th of last month, which I inserted in my said communication on the 30th of the same month, I asked him for an audience, which was immediately granted to me. I went to see him on the 31st, and we had a long and interesting conference, in which I maintained the rights of Venezuela. I asked him the meaning of said paragraphs, and he answered me that Her Britannic Majesty's Government was disposed to listen and to take into consideration the propositions of Venezuela to trace a line reciprocally convenient, not far removed from the "Schomburgk line," and that in reference to the mouth of the Orinoco and Point Barima, they would be abandoned to Venezuela, upon condition that, in compensation for this, there should be given to them a certain tract of land, to be agreed upon, between the Uruan river (Yuruan on the map) and the Cuyuni west of the "Schomburgk line," and he showed me on the map at the same time. Upon my solicitation to write down his idea, he did so with his own hand upon the paper which I enclose herewith, the translation of which is as follows :

"A line starting from Point Mocomoco between Point Barima and River Guaima, and touching the Amacuro river at the southwest."

"In exchange or compensation, the boundary line will follow the course of the river Uruan (Yuruán) from its junction with the Cuyuni river, and might be extended to the Usupamorange or to the Rinocoto range of mountains."

When I had the paper in my hands, he asked for it, and wrote on the top "Personal Suggestion," saying that a diplomat should not expose his ideas in such a manner; but I am convinced that the purpose of the "suggestion" is really official. He then added that Great Britain, in case of an adjustment, would withdraw her claims upon the other territories not occupied by her and that lay outside of the original "Schomburgk line," upon which she could maintain her rights with probable success before an arbitrator. I answered him that there was no occasion for compensation when a thing is given up upon which no rights exist, and that such is the case with England's occupation of the mouths of the Orinoco; that the proper term to be employed is restitution, and I added that the territory demanded appeared very large. He replied that it had no value on account of its remote situation, while that at the mouth of the Orinoco was of great political and commercial importance; that, in case of negotiation, all this would be taken into consideration to make them compensatory, and that he looked upon it from the point of view of accomplished facts.

I informed him that my duty was to confine myself to listening to him, always protesting against the injustice done to Venezuela, and against the abuse of might on the part of Her Britannic Majesty's Government, as I had no instructions to treat of the question on that ground, and that all the declarations that I had made, either orally or in writing, should be considered in force. But that I could not but take note of his propositions, and recognize the fact that the exclusive possession of the mouths of the Orinoco was a capital question for Venezuela, and for this reason Her Britannic Maj-

esty's Government's promise of its restitution would be duly appreciated by the Venezuelan Government, whom I should inform of his communications, and of the conference that we were holding at present, and that at the proper time an answer would be given, either by me or through any other medium, as the state of my health obliged me to return to Venezuela at the beginning of the autumn.

LUCIO PULIDO.

To the Minister of Foreign Affairs of the United States of Venezuela.

Dr. Pulido to Sir Th. Sanderson.

PLENIPOTENCY OF THE UNITED STATES
OF VENEZUELA, IN LONDON.

No. 19 RUE DARU, PARIS, September 30th, 1890.

Sir :

As I had the honor to inform you, in our last interview, I shall depart for Venezuela on the 8th of next month, on leave of absence granted by my Government, to spend the winter in Caracas.

By order of the Government of Venezuela my secretary, Señor J. Pimentel, will be left in charge *ad interim* to conduct the special mission before Her British Majesty's Government with which I was honored, and I hope you will bestow upon him the same kind attention and confidence with which you have distinguished me personally,

I take this opportunity to say that my Government has informed me by recent communications, that your note of the 24th of July last, and the annexed memorandum, were under consideration, and that in due time you would be informed of the decision. The Government of Venezuela desires to find acceptable bases for the adjustment of the frontiers with British Guiana, and is moved by the conciliatory spirit indispensable in all negotiations. If Her British Majesty's Government respond to these sentiments and desires, and will give to Venezuela that share of justice to which she is entitled, I have no doubt but that they will come to an agreement. But, should the contrary be the case, I am instructed to convey to you that

Venezuela will never recognize the occupation of the territories of Guiana, which, since 1850, have been declared disputable and neutral, nor will she recognize the steps that may be taken, either by the Colonial authorities or Her British Majesty's Government to permanently occupy them, reserving for all time her rights to reclaim them.

Please accept, Sir, the assurance of the highest consideration with which I remain,

Your respectful servant,
LUCIO PULIDO.

By the Chancellor,
AUGUSTUS F. PULIDO,
Attaché.

To Sir Th. Sanderson, Her British Majesty's Under Secretary of Foreign Affairs.

Sir Th. Sanderson to Dr. Pulido.

FOREIGN OFFICE, October 7th, 1890.

Sir :

I have the honor to acknowledge the receipt of your note of the 30th ultimo, informing me that you are about to leave for Caracas, and that, during your absence, your secretary, Señor Pimentel, will remain provisionally charged with the special mission to the Government of Her Britannic Majesty, with which you have been entrusted.

You also state that your Government is considering the note which, by the direction of the Marquis of Salisbury, I had the honor of addressing you on the 24th of July last, in regard to the boundaries between Venezuela and British Guiana.

I have already had the honor of receiving Señor Pimentel, and Lord Salisbury desires me to assure you that any communication which he may make by order of his Government will receive immediate attention.

I have the honor to be, Sir,

Your most obedient humble servant,
TH. SANDERSON.

Señor Don L. Pulido, 19 Rue Daru, Paris.

PART XII.

[Translation.]

Dr. Michelena to Lord Rosebery.

PREVITALI HOTEL, ARUNDEL STREET.

LONDON, May 23d, 1893.

My Lord :

The Government of the United States of Venezuela, moved by a desire to adjust the differences pending with Her Britannic Majesty's Government and to re-establish the diplomatic relations which have been suspended between the two countries, has been pleased to commission me as Confidential Agent, with full powers *ad hoc*, to consult with the Honorable Chancellery as to the means which may best tend to promptly accomplish that end.

In consequence, I have the honor to send herewith to Your Excellency a copy of the full power which authorizes me to discuss said points, and I beg Your Excellency to kindly appoint a day and hour when I may have the honor of being received, or to designate a person with whom I may commence the negotiations.

I avail myself of this opportunity to assure your Excellency of the high consideration with which I have the honor to subscribe myself,

Your Excellency's most obedient servant,

TOMAS MICHELENA.

To his Excellency, the Earl of Rosebery, Secretary of State, etc., etc.

Reply to the Above by Lord Rosebery.

[Retranslation.]

Lord Rosebery presents his respects to Senor T, Michelena, and in answer to his note of yesterday, has the honor of informing him that he will be pleased to receive him at 3 P. M. to-morrow, Thursday.

Department of Foreign Affairs, May 24, 1893.

Dr. Michelena to Lord Rosebery.

[Translation.]

CONFIDENTIAL AGENCY OF THE REPUBLIC OF VENEZUELA.

PREVITALI HOTEL, ARUNDEL STREET.

LONDON, May 26, 1893.

My Lord:

In conformity with the wish expressed by Your Excellency at our interview on yesterday, I have the honor to inclose herewith, for Your Excellency's consideration, a *Pro Memoria* containing the basis upon which, in the opinion of the Government of Venezuela, an adjustment may be arrived at of the differences existing between the two countries, and the re-establishment of their diplomatic relations.

I trust that Your Excellency will see in the basis proposed in the *Pro Memoria* evidences that the present Government of Venezuela wishes to offer to Her Majesty's Government, as far as its legal responsibilities permit, the most friendly means within the bounds of international practice, to end a situation which embarrasses the active and frank relations which should exist between the two countries.

At the same time it has given me great pleasure to learn from Your Excellency that Her Britannic Majesty's Government entertains the same desire. This leads me to hope that, on the present occasion, the negotiations thus commenced to that end, may not be fruitless.

I have the honor to remain, with highest consideration,

Your Excellency's most obedient servant,

TOMAS MICHELENA.

To His Excellency, Lord Rosebery, Her British Majesty's Secretary of State.

Pro Memoria above Referred to.

[Translation.]

Bases for the conclusion of a preliminary agreement between Her British Majesty's Government and the Government of the United States of Venezuela, with the object of re-estab-

lishing diplomatic relations and of amicably adjusting the various questions now pending between them:

1st. The Government of Great Britain claiming certain territory in Guiana as successor to the rights of the Netherlands, and the Government of Venezuela claiming a portion of said territory as heir of Spain, prompted by an amicable spirit, and being desirous of putting an end to all differences respecting the titles, jurisdiction, and dominion of each to and over said territory in dispute, hereby agree and stipulate that after official relations shall have been re-established between the two countries in consequence of the ratification of this preliminary agreement by the respective Governments, each party shall appoint one or more delegates invested with full powers to conclude a treaty of limits, based upon the conscientious examination which they may make of the documents, titles, and antecedents which may prove the respective claims, it being understood that the decision of doubtful points, or the demarcation of a frontier line, upon which the delegates so appointed may not agree, shall be submitted to the final and unappealable decision of a judicial arbiter, to be appointed by common consent of both Governments.

2d. The Government of Venezuela, with the object of re-establishing relations with her Britannic Majesty's Government upon a footing of a greater cordiality, shall immediately proceed to conclude a new treaty of commerce, abrogating the additional duty of 30 per cent., and substituting therefor another of a definite duration, as proposed by Lord Granville, in 1884.

3d. All claims by subjects of Her Britannic Majesty's Government against Venezuela, and those of the citizens of the Republic of Venezuela against Her Majesty's Government shall be examined by a Commission appointed *ad hoc*; Venezuela agreeing thereto in this special case, adjudication of all foreign claims being, by a decree of the Republic, placed under the jurisdiction of the High Federal Court. It will therefore be of record that, in all future claims, Great Britain accepts said provision.

4th. The preliminary agreement shall stipulate that both Her British Majesty's Government and that of Venezuela recognize and declare to be the *status quo* of the boundary question that which existed in the year 1850, when the Honorable Sir Belford H. Wilson, Her British Majesty's Chargé d' Affaires at Caracas, made the formal declaration on behalf and at the express command of Her British Majesty's Government, that no portion of the territory in dispute should be occupied, and requesting a similar declaration by the Government of Venezuela, which was made by the latter; said *status quo* to be maintained until the treaty of boundaries mentioned in basis 1st shall be concluded.

5th. The agreement made on the basis herein proposed, which shall be signed by the Confidential Agent of Venezuela, by virtue of the powers vested in him, and by the person duly authorized by Her British Majesty's Government, shall also be immediately submitted to the direct ratification of both Governments, and after the exchange of ratifications has been made, the diplomatic relations shall be *ipso facto* re-established between the two countries.

London, May 26, 1893.

Lord Rosebery to Dr. Michelena.

[Retranslation.]

FOREIGN OFFICE, May 31, 1893.

Sir:

I have had the honor to receive your communication of 26th inst., inclosing a memorandum of the basis upon which the Venezuelan Government is willing to treat for the adjustment of the differences at present existing between both countries, and for the re-establishment of diplomatic relations.

I hasten to inform you that these propositions will receive the prompt attention and consideration of Her Majesty's Government. I have the honor to be, sir,

Your obedient humble servant,

ROSEBERY.

To Mr. Tomas Michelena, Previtali Hotel, Arundel Street.

Lord Rosebery to Dr. Michelena.

[Copy.]

FOREIGN OFFICE, July 3d, 1893.

Sir :

Her Majesty's Government have carefully examined the proposals set forth in your *Pro Memoria* of the 26th May for the settlement of the various questions which are at issue between the Government of Venezuela and that of Her Majesty.

The most important of these questions, in the opinion of Her Majesty's Government is that of the boundary between Venezuela and the Colony of British Guiana, and it will, I think, tend to simplify the discussion, if in this note I confine myself to the point and refrain from offering for the present any observations on the proposals contained in clauses 2, 3 and 5 of the *Pro Memoria*.

I must in the first place point out that although the present proposal of the Venezuelan Government admits the possibility of settling the question of boundary by treaty, the fact that it also involves reference to arbitration in case of difference between the two Governments charged with the negotiations of that treaty, practically reduces it to the form which has repeatedly been declined by Her Majesty's Government, namely, the reference to arbitration of a claim advanced by Venezuela to a great portion of a long-established British Colony.

Her Majesty's Government therefore consider that clause of the *Pro Memoria* can only be accepted by them under the conditions specified in the Memorandum communicated in Sir. Th. Sanderson's note to Señor Urbaneja of the 19th of March, 1890. They would propose that the first clause of your *Pro Memoria* be amended in the manner indicated by the additions marked in red ink in the copy inclosed herewith.

With regard to clause 4 of the *Pro Memoria*, in which it is proposed that both Her Majesty's Government and that of Venezuela shall acknowledge and declare that the "*status quo*" of the Boundary question is that which existed in 1850, Her Majesty's Government consider that it is quite impossible that

they should consent to revert to the "*status quo*" of 1850 and vacate what has for some years constituted an integral portion of British Guiana. They regret therefore that they cannot entertain this proposition.

The declaration made to the Venezuelan Government in the year 1850 by Sir Belford Wilson, the British Chargé d'Affaires, was as follows: That "whilst on the one hand Great Britain had no intention to occupy or encroach on the disputed territory, it would not, on the other hand, view with indifference aggressions in that territory by Venezuela." The arrangement on this basis was disturbed by Venezuela on several successive occasions prior to any attempt on the part of Her Majesty's Government to exercise jurisdiction in the districts in question. In the same year, 1850, in which the declaration was made, the Venezuelan Government began to establish new positions to the east of Taniremo, and in 1858 they founded the town of Nueva Providencia on the south side of the River Yuruary. Again in 1876 licenses were granted by the Government of Venezuela to trade and cut wood in the district of Barima and to the eastward of that district. In 1881 the Venezuelan Government made a grant of great part of the disputed territory to General Pulgar, and in 1884 it made concessions to the Manoa Company and others, which were followed by actual attempts to settle the territory.

In contrast to this action, the attitude of the British Government was marked by great forbearance and a strong desire to execute the arrangement in good faith. In proof of this disposition, it may be instanced that when applied to in 1881 to grant a concession in the disputed territory to certain applicants, they distinctly declined to entertain the proposal on the ground that negotiations were proceeding with Venezuela, and it was not until the encroachments of the Manoa Company began to interfere with the peace and good order of the Colony that Her Majesty's Government decided that an effective occupation of the territory could no longer be deferred, and steps were taken for publicly asserting what they believe to be the incontestable rights of Great Britain. Those rights they

are unable now to abandon, and they could not consent that any *status quo* except that now existing should remain in force during the progress of negotiations.

I shall be glad to learn that you are able to accept these modifications of your proposals, as it would be a subject of sincere satisfaction to Her Majesty's Government to find that there is a prospect of a speedy re-establishment of diplomatic relations between the two countries.

I am, sir, your most obedient humble servant,

ROSEBERY.

Senor Michelena.

Memorandum Accompanying the Foregoing.

[Copy.]

FOREIGN OFFICE.

Whereas, The Government of Great Britain claims certain territory in Guiana as successor in title of the Netherlands, and the Government of Venezuela claims the same territory as being the heir of Spain, both Governments being inspired by friendly intentions, and being desirous of putting an end to the differences which have arisen on this matter, and both Governments wishing to pay all deference to the titles alleged by either to prove its jurisdiction and proprietary rights over the territory in question, they agree and stipulate that as soon as official relations shall have been re-established between the two countries, and after the ratification of the present preliminary convention by both Governments, one or more Delegates shall be named by each party with full power to conclude a frontier Treaty founded on a conscientious and complete examination by the said Delegates of the documents, titles, and past events supporting the claims of either party, it being agreed that the said territory in dispute lies to the west of the line laid down in the map communicated to the Government of Venezuela on the 19th of March, 1890, and to the east of a line to be marked on the same map running from the source of the River Cumano down

that stream and up the Aima and so along the Sierra Usapamo,^a and that the decision of doubtful points and the laying down of a frontier on the line of which the Delegates may be unable to agree shall be submitted to the final decision, from which there shall be no appeal, of a Judicial Arbitrator, to be appointed, should the case arise, by common agreement between the two Governments.

July 3, 1893.

Dr. Michclena to Lord Rosebery.

[Translation.]

CONFIDENTIAL AGENCY OF VENEZUELA IN GREAT BRITAIN.

LONDON, July 31, 1893.

My Lord:

After duly considering the statements in your Excellency's communication of the 31st instant made in reply to the proposed basis of agreement submitted by me on the 26th of May last, the Confidential Agent of the Republic of Venezuela, sufficiently authorized thereto, begs to offer some remarks suggested by the conclusive declarations in that communication, and to reply to that part of it which bears the character of charges against the conduct of Venezuela, in the question of limits between the Colony of Demerara and the territory of the Republic.

Your Excellency commences by declaring "that the most important of the questions pending between Great Britain and Venezuela is, in the opinion of Her Britannic Majesty's Government, that of boundary between both countries." In order to simplify the discussion, your Excellency refers, in the aforesaid note, solely to said question, refraining for the present from making any remarks upon the propositions contained in clauses 2, 3, and 5 of the memorandum of 26th of May last.

^a The words in italics are written in red ink in the original MS., and constitute the modification referred to by Lord Rosebery.

This declaration would seem to imply that in case that the remarks referring to boundary could be admitted, the other clauses mentioned would be left unconsidered. Since, however, those referring to limits so completely destroy the basis of the agreement, it really seems useless to consider the character and tendency of said clauses. In this manner the discussion is not made easy, but on the contrary tends to break it off entirely.

It was with friendly intention and a sincere desire to arrive at an amicable settlement of all the points in controversy, that the undersigned, seeking the mutual convenience of both countries, put aside the discussion of abstract rights over territories. He sought to avoid the interminable form which has been hitherto adopted and followed up in the discussion of this matter. With this purpose in view, he was led to hope there might be a possibility of adjusting the question of boundary by means of a treaty involving reference to an arbitrator in case of differences and doubts arising in the minds of the Delegates appointed to mark out the frontier lines.

Your Excellency meets this proposition in the following terms: "The reference to arbitration of the claim advanced by Venezuela to a great portion of a long *established British Colony*," etc.

Your Excellency will permit me to express my surprise at such a statement. It is far from historical truth, and from the character of the controversy which has existed since 1841 until now. What Venezuela desires is a just and natural demarcation of frontiers, about which nothing definite has been hitherto settled by law; and, to that end, she asks that the titles of both parties be submitted to an arbitrator. As to the alleged rights of Great Britain, namely, that the disputed territory is an "integral part" of one of her Colonies, that has never been admitted by Venezuela. The mere fact that the Government of Great Britain may believe it has dominion over territories which, from times past, have been an integral part of the Republic of Venezuela (for which reason the latter disputes them with her), is not a sufficient reason to refuse the intervention

of a Juridical Arbiter, who should judge and decide, in conformity with the titles and antecedents, as to the rights of each nation over the territories situated north and west of the Moroco, Pomaron, and Essequibo rivers, and therefore, without arbitrary restrictions on account of the unjust claims of one of the parties. Venezuela might also, with equal reason, demand that the decision of the Arbitrator be restricted in a contrary direction. But she does not do this. She makes no restrictions whatever. She asks for nothing unjustly and retains no territory through arbitrary occupation. On the contrary, she proposes to submit her titles to an expert Jurisconsult for examination, and engages to abide by the decision that may be given. That decision would legally determine what pertains to each country—to the one as the heir of Spain and to the other as the successor of the Netherlands.

The conditions made by Your Excellency in modification of the first clause specified in the Memorandum communicated by Sir Th. Sanderson's note to Señor Urbaneja on the 19th. of March, 1890, cannot be admitted under any consideration, since they imply the recognition by Venezuela of the claims of Great Britain over a large portion of territory which has for many years past been the subject of controversy, and is precisely the foundation of the contention regarding the legitimacy of the rights of each party. Nor can the determinate modification now submitted by the Earl of Rosebery be accepted for reasons already stated. His Lordship says: "I would propose that the first clause of your Memorandum be altered in the manner indicated by the additions in red ink in the copy which I inclose, which additions are as follows: *that the disputed territory is situated west of the line marked in the map sent to the Government of Venezuela on the 19th of March, 1890, and east of a line which shall be marked in said map, starting from the sources of the Cumano River following the current of the same downwards and up the Aima along the Usupamo chain.* This proposed modification does nothing in fact but materially alter "the extreme claim" of Her Majesty's Government made by Sir Th. Sanderson on behalf of Lord Salisbury. It ex-

tends the capricious line drawn by the explorer Schomburgk all in absolute opposition to another demarcation proposed by the Earl of Rosebery himself in 1886, which reduced the "extreme claims" of Great Britain to much narrower limits.

Then the Foreign Office, considering the fourth clause of my Memorandum, goes on to impugn the idea of the *status quo* of 1850, declaring that "it is impossible for Her Majesty's Government to consent to revert to the *status quo* of 1850, and evacuate what has for some years constituted an integral part of British Guiana." Your Lordship regrets to be unable to accept said proposition. The undersigned also regrets it. For, by *returning* to that *modus vivendi*, Great Britain would have given a brilliant proof of her love of justice, of her respect for the fulfillment of an international agreement, and of her desire for conciliation in order to resume the political relations between both countries, and to bring all pending matters to a definite adjustment. Your Lordship alleges, in support of this lamentable decision, reasons that cannot be admitted. They are based upon what seems to me to be a legal sophism, and cannot be applied to a territory which was declared to be neutral in 1850. On considering, and in acknowledging the declaration made by Her Majesty's Government through Sir Belford Wilson, British Chargé d'Affaires at Caracas, Your Excellency adds, "that the arrangement on that basis was disturbed by Venezuela on several successive occasions, prior to any attempt on the part of Her Majesty's Government to exercise jurisdiction in the districts in question; that in the same year 1850 in which the declaration was made, the Venezuelan Government began to establish new positions to the east of Taneremo, and in 1850 they founded the Town of Nueva Providencia on the south side of the River Yuruary; that again in 1876 licenses were granted by the Government of Venezuela to trade and cut wood in the District of Barima, and to the eastward of that District; that in 1881 the Venezuelan Government made a grant of a great part of the disputed territory to General Pulgar; and that in 1884 it made concessions to the Manoa Company and others," etc.

These antecedents are alleged as an excuse by the British Government for its occupancy of a large extent of territory, which Venezuela maintains to be hers, and in justification of its conduct during the latter years. And it now declares that said territory belongs to the Colony of Demerara, for which reason it cannot evacuate it, nor submit the titles of its rights to the judgment and decision of a judicial arbiter.

What then was the territory that was declared to be neutral and in dispute by the convention of 1850? Was it perchance that which is inclosed within the capricious line drawn by the explorer, Schomburgk? Was it perchance that comprised within the arbitrary line drawn by the Marquis of Salisbury? Does it perchance comprehend quite all that is now called the British "*extreme claim*"? Most of those lines appeared much later. It is most natural to suppose that the one which was proposed by Lord Aberdeen in 1841 was the one contemplated by the agreement of nine years later. And this supposition is the more natural since, later on, in 1886, the Earl of Rosebery suggested another line, which differs from that of Lord Aberdeen only in that it advances somewhat further north. Neither the former nor the latter line comprise the Yuruary and its southern banks, where the city of Nueva Providencia was founded, nor the District of Barima, in which licenses were granted to trade in and cut wood as Your Excellency states. As to the concessions or privileges granted to General Pulgar and to the Manoa and other companies, they were of non-effect. Nor were they ever granted in other territories other than those belonging to the Republic. The rights of the Colony of Demerara were duly respected; consequently, the neutrality agreed upon in 1850 on a portion of lands over which Venezuela has refrained from exercising any jurisdiction.

Your Excellency says in an apparently conclusive manner, that *those rights*, that is, those which Great Britain claims to have over the territories she has occupied, both those corresponding to the *modus vivendi* of 1850 and the others north and west of said portion, *cannot be abandoned*, and that Her

Britannic Majesty's Government will not consent that any other *status quo* than the one now existing shall remain in force during the course of negotiations.

I must believe that the theory that consummated facts have the strength of law cannot be applied to diplomatic negotiations designed to bring about a cordial and friendly settlement between two nations that have been bound to each other by the ties of friendship and community of commercial interests. That theory cannot prevail. It cannot be imposed when the object is to avoid serious dangers in the future; when the aim is to perfect and guarantee the important financial interests which Great Britain has in Venezuela, and when the mercantile affairs between both countries being nearly at a standstill, it is sought to be replaced on the same satisfactory footing on which they were some years ago, and thus to avoid serious conflicts which the prolongation of the present state of the political relations between both countries may bring about. Aside from the fact that the political institutions of Venezuela absolutely prohibit her Governments from consenting to a tacit recognition by means of treaties the rights of other nations over territories considered as integral parts of her own, such action would not be in conformity with international law and precedent. Nor would it conform to the dignity of both nations, which is at stake. It would dishonor Venezuela by giving way to imposition, and it would dishonor Great Britain by unjustly imposing herself merely because she is the stronger power.

In view of the above reasons, the undersigned takes the liberty of once more requesting Your Excellency to agree to a settlement upon bases so just and liberal as to admit of no refusal. Inspired by this desire, I again beg to urge the consideration of the bases for a preliminary agreement, that will preclude any discussion of the adverse claims of territorial rights, leaving that important matter entirely to the decision of a judicial arbitrator, in case the Commission of Delegates should not be able to agree upon all points in settling a frontier line.

The undersigned therefore ventures to hope that the Secre-

tary of State will modify his idea in conformity with the declarations made before Parliament by Mr. Gladstone in behalf of Her Majesty's Government in regard to arbitration, and in such a manner as to definitely adjust the questions pending with Venezuela, to which end Your Excellency may assuredly count upon the good will and co-operation of the undersigned.

I am with feelings of highest consideration, your Excellency's most obedient servant,

TOMÁS MICHELENA,

Previtali Hotel, Arundel St., Piccadilly Circus.

To the Right Honorable the Earl of Rosebery, Secretary of State, etc.

Dr. Rojas to Dr. Michelena.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS, No. 1039,

CARACAS, August 4, 1893.

Sir

The newspapers of the British Colonies, notably of the Island of Trinidad, have during the last few days spoken of new acts of jurisdiction on the part of the authorities of Demerara over the territories in Guiana which Venezuela looks upon as comprised within her limits. This occurs at a moment when the Republic, acting upon its desire to adjust, in a manner conformable to the laws of international decorum, the difficulties which separate her from Great Britain, has sent to London an agent who is instructed to arrange with the Foreign Office the means of re-establishing political relations between both countries. The Executive has therefore learned with great surprise of the statements made by some of the organs of the Colonial press, and deems it convenient that you should call the attention of Her British Majesty's Secretary of State to these facts.

The *Port of Spain Gazette* of the 25th of July, after speaking of the excellent conditions of what the English now call the "Northwestern District," which extends as far as the mouth of the Orinoco, and the proprietorship of which Vene-

zuela has always claimed and maintained with legal arguments since the time of Lord Aberdeen, announces vast prospects of exploitation on said territory, to be carried out with capitals and by companies from the colony. It is therein said that a sloop was fitted out a short time ago under the direction of Dr. Chittenden, Secretary of the Board of Agriculture of Trinidad, with the object of conveying twenty-nine expeditions to Upper Barima, and of hastening the work of the Dixon Company.

Acts of this nature, which are altogether in opposition to the success of the negotiations that have been commenced neither can nor must be ignored. It is therefore absolutely necessary that the government of Great Britain should know the feelings with which the Executive of Venezuela regards the tendency of the Colony of Demerara to impede by such acts the understanding which is solicited for the settlement of the pending question.

I am your obedient servant,

P. EZEGUIEL ROJAS.

To Señor Tomás Michelena, Confidential Agent of Venezuela in Great Britain,
London.

Dr. Michelena to Dr. Rojas.

[Translation.]

CONFIDENTIAL AGENCY OF VENEZUELA IN GREAT BRITAIN,

PARIS, August 30, 1893.

Number 28.

Sir:

I have the honor to acknowledge receipt of your dispatch dated the 4th of the current month, No. 1039, referring to new acts of jurisdiction on the part of the Authorities of Demerara on territory of Venezuelan Guiana, which are altogether in opposition to the success of the negotiations which have been commenced with Her British Majesty's Government, for which reason the Government of Venezuela considers it absolutely necessary that that of Great Britain should be in-

formed of the feelings with which the Executive of the Republic regards the tendency of the Colony of Demerara to impede by such acts the negotiation for the settlement of the pending question.

I have addressed a communication to the Earl of Rosebery in which I have transcribed the dispatch above referred to, and should I receive a reply from said Official, I shall hasten to communicate it to your Department.

I am your obedient servant,

TOMÁS MICHELENA.

To Dr. Pedro Ezequiel Rojas, Secretary for Foreign Affairs, Caracas.

Lord Rosebery to Dr. Michelena.

[Copy.]

FOREIGN RELATIONS, September 12th, 1893.

Sir :

Her Majesty's Government have carefully examined the arguments contained in your note of the 31st of last July, concerning the settlement of the boundary question between the Republic of Venezuela and the Colony of British Guiana.

I regret to inform you that it does not appear to Her Majesty's Government that the contents of your note open the way to any agreement that they can accept concerning this question.

They are still desirous, however, to come to an understanding in regard to the frontier between the possessions of the two countries, and they are disposed to give their best attention to any practicable proposals that might be offered then to that effect.

I have the honor to be, Sir, your most obedient humble servant,

ROSEBERY.

Señor Michelena, etc., etc., etc.

Same to Same.

[Copy.]

FOREIGN OFFICE, September 22d, 1893.

Sir:

With reference to my note of the 2d instant, I have the honor to inform you that Her Majesty's Government have given their careful attention to the representations contained in your note of the 26th ultimo, complaining of acts on the part of the authorities of British Guiana which are considered by the Venezuelan Minister for Foreign Affairs to be in contravention of the rights of Venezuela.

Her Majesty's Government are desirous of showing all proper respect for the recognized rights of Venezuela, but the acts of jurisdiction to which you refer in your note do not appear to them to constitute any infraction of or encroachment upon those rights. They are in fact no more than part of the necessary administration of a territory which Her Majesty's Government consider to be indisputably a portion of the Colony of British Guiana and to which, as it has been their duty to state more than once, they can admit no claim on the part of Venezuela.

I have the honor to be, Sir, your most obedient humble servant,

ROSEBERY.

Señor Michelena.

Dr. Michelena to Lord Rosebery.

[Translation.]

HOTEL DE BADE, BOULEVARD DES ITALIENS,
PARIS, September 29th, 1893.

My Lord:

I have had the honor to receive Your Excellency's note of the 12th inst., in which I am informed that Her Britannic Majesty's Government, after carefully considering the contents of my note of the 31st of July last proposing adjustment of

the boundary question between Venezuela and British Guiana, regrets that said note does not offer any basis of agreement that can be accepted. Your Excellency closes by stating, however, that Her Britannic Majesty's Government still desire to come to a friendly settlement of the question of boundary, and are disposed to take into consideration any practicable proposition looking to that end.

The terms in which Your Excellency has been pleased to reply to my note of July 31st ult., weaken, if indeed they do not wholly destroy, the confidence which the closing words might otherwise inspire. Your Excellency totally disregards the proposal made in my note of the 26th May last, and reiterated and simplified in my note of July 31st, to submit the whole question of boundary to a Commission of Delegates duly empowered to trace a boundary line between the British Colony of Guiana and the Republic of Venezuela; and, as a last resource, to submit to the decision of *arbiters juris* any differences that said Delegates might not be able to settle between themselves. Not only this; Her Majesty's Government ignores the reasons presented in support of the most just refusal by the Venezuelan Government to accept as indisputable the line proposed in Your Excellency's note of July 3d last, and which embraces a vast extent of territory beyond the limits of that hitherto in dispute, and which Venezuela maintains is hers by indisputable title. Nevertheless, Her Britannic Majesty's Government still professes a desire to come to a friendly settlement of the question of the boundaries, and says it is disposed to take into consideration "any practicable proposition" leading to this object.

It was faith in this same promise, made by Your Excellency's predecessor to Doctor Lucio Pulido, former Agent of the Venezuelan Government, and the well founded hope that the present British Cabinet, and that Your Excellency in particular, who had conducted the negotiations in 1886 in a more conciliatory spirit than that shown by Lord Salisbury, would receive without restrictions, and in lieu of a most indecorous and unjustifiable submission on the part of the Government of Venezuela,

the propositions for an adjustment based upon a conscientious study of the question by persons fully authorized by each Government with powers to fix the boundary line in accordance with the titles produced by each party to the dispute; and that, in an extreme case, whatever said Commission could not solve by mutual agreement, should be submitted to the final decision of a Tribunal of *arbiters juris*. It was, I repeat, with this hope that the Government of Venezuela hastened to renew the negotiations which were interrupted in 1890, and entrusted to me the commission of continuing them, presenting as I have already done to Your Excellency, the propositions with which Your Excellency is already acquainted. This hope was strengthened by Your Excellency's reply to the London Chamber of Commerce, and to an Association for Peace and Arbitration which asked for a settlement of the Venezuelan question.

The proposal to which I referred in my note of the 26th May last to Your Excellency is the only one by which the historical truth and legitimate rights of both parties can be made clear; the only one which promises a solution without humiliation to either party; the only one that would respect the contentions and equities of both; and is the more worthy to be entertained in that it would quiet fears that the stronger power might impose upon the rights of the weaker. It is the only procedure which can be held to be an easy and practicable solution of this long-standing and vexed question. The numerous plans for settlement hitherto proposed had given rise to radical disagreements, and the great diversity of frontier lines, more and more advantageous to Venezuela which had been proposed at various times by the Government of Her Britannic Majesty, had already given just cause for the remark by an eminent statesman, Secretary of Foreign Affairs of the Republic of the United States, in 1888, in an official note to the Minister Plenipotentiary of the same Republic in London, that "if indeed it should appear that there is no fixed limit to the British boundary claim, their good disposition to aid in a

settlement might not only be defeated, but be obliged to give place to a feeling of great concern."

This controversy, which has so unfortunately interrupted the long-established and cordial diplomatic relations between Great Britain and Venezuela, and upon which all the Governments of America have already formed an opinion by reason of the widespread publication of all its incidents, has caused the Government of Venezuela to receive the offers of several of those Cabinets to bring their friendly influence to bear upon the Government of Her Britannic Majesty in order to arrive at a decorous settlement; circumstances which have produced a profound conviction that, should Venezuela confide without any restriction, its final solution to the efficacy of the arbitration recognized by all civilized nations and recently proclaimed by the Prime Secretary, Mr. Gladstone, in a solemn and highly applauded speech before Parliament, there could exist no doubt of her desire to arrange the condition of affairs lately created by acts which otherwise can result in nothing but disorder, contention, and violence.

Although the brevity of Your Excellency's note contrasts strongly with the length of the present one, I am compelled to be lengthy on account of the necessity of demonstrating, as far as possible, that the refusal of Her Britannic Majesty's Government to consider acceptable and practicable the proposition to submit the question of limits to a Commission of Delegates and, as a last resource, to the judgment of *arbiters juris*, without restrictions, would entirely frustrate the desire, which Your Excellency assures me is cherished by Her Britannic Majesty's Government to arrive at an amicable settlement, and to consider any practicable proposition to that end. I must be allowed to say that the rejection of the offer made, and the last declared purpose to consider any practicable proposition for a settlement, seem to me to be wholly incompatible. Permit me to briefly review the divers phases which have been successively presented in this question of limits, in order that the pretensions that have been made known by Her Britannic Majesty's Government in these later years, with reference to

the limits of the Colony of British Guiana, may be clearly understood. They are so divergent from those manifested in the first few years of this question, that should the Government of Venezuela now submit unconditionally to them, as Her British Majesty's Government wishes, far from being an amicable settlement between the two countries, they would simply convert the Venezuelan Nation into a country still subject to conquest.

The first frontier line proposed by Lord Aberdeen dates from 1841, at which period Doctor Alejo Fortique came to London as Minister from Venezuela. The frontier line then proposed by Great Britain commenced on the borders of the river Moroco, and extended into the interior of the territory which Venezuela considers as hers. It left as British possessions all the river Cuyuni on its left bank. The premature death of Doctor Fortique interrupted these negotiations, which doubtless would have been concluded in a manner satisfactory to both Governments, since that of Her Britannic Majesty gave hopes of reducing the limits of the claims, and the Government of Venezuela, with the approval of the Council of Government, proposed an intermediate line.

As a result of these negotiations, the Government of Her Britannic Majesty in 1850, at the solicitation of the Government of Venezuela, and through the medium of Sir Belford Wilson, at that time British Chargé d'Affaires in Caracas, made a solemn and official declaration that both countries should hold as entirely neutral the belt of land in dispute until the conclusion of a definite treaty of boundaries. Now this belt was none other than that comprised within the line proposed by the Earl of Aberdeen, which line commenced on the banks of the river Moroco, and extended into the interior, following the left bank of the Cuyuni, and that contended for by Venezuela, namely, the banks of the Essequibo river.

That declaration, made at the instance of Venezuela, was caused by certain arbitrary acts of the engineer R. Schomburgk, who, as an explorer, penetrated into the interior of Venezuela and there planted posts and put up marks following

an entirely new line according to his pleasure, which posts and marks Her Britannic Majesty's Government ordered to be removed on the express solicitations of Doctor Fortique as Minister of Venezuela, the British Foreign Office declaring that such posts and marks did not mean *rights* but only *aspirations*. This "Schomburgk line," so appropriately named by the English Government, has nevertheless now come to be the "war horse" of the Foreign Office. It no longer includes lands "aspired" to, but territory claimed and occupied as a "*right*"; and it is now gravely contended that this *de facto* occupancy and extended claim should be recognized by Venezuela as a legitimate title of possession, first, in virtue of the fact that it is within the line of dispute, and second, by reason of the *ex parte* Decree of October, 1886, by British authority.

In a note dated September 15, 1881, Lord Granville proposed to Señor José Maria Rojas, then Minister of Venezuela to Her Britannic Majesty's Government, a dividing line which should start from the coast at 29 miles longitude east of the left bank of the river Barima, and unite, in the interior, with that proposed by the Earl of Aberdeen, both extending to the river Cuyuni on its left bank. Dr. Rojas had proposed that the border line should begin from the coast, one mile north of the mouth of the Moroco (the nearest point of departure to the line of Lord Aberdeen), and that from said point should be traced one meridian of latitude to the point of crossing with 60° Greenwich longitude, and that from there the frontier should continue southward by said meridian to the confines of both territories.

Five years later Your Excellency, being then, as now, in charge of the Prime Secretaryship of Foreign Affairs, proposed that it should be considered as disputed territory all situated between the line proposed by Señor Rojas on the 21st of February of 1881, and that proposed by Lord Granville on the 15th of September of the same year, both lines being specified as above, and that *a dividing line should be traced within the limits of this territory, either by arbitration or by a Mixed Commission, in order to divide it equally between both parties, taking into due con-*

sideration its natural limits. Your Excellency added that your Government gave special importance to the possession of the river Guaima and cherished the desire to stipulate that the line should start from the seacoast to the west of said river, offering to make "due compensation" in some other part of the disputed territory on account of this departure from the principle of equality in the division. Your Excellency also offered to consider in connection with the limits the surrender to Venezuela of the Island of Patos, asking, at the same time, for complete freedom of commerce and navigation on the Orinoco.

I feel it my duty, on this occasion, to dwell particularly upon the significance of these bases of settlement proposed by Your Excellency in 1886, since they vary so widely from the position which Her Britannic Majesty's Government now assumes, when so important a subject as the re-establishment of friendly relations between the two countries is up for discussion.

By these proposals of settlement Your Excellency limited the extreme pretension of Lord Granville, offering to divide the disputed territory in half, with all due regard to its natural limits. Moreover, Your Excellency suggested the appointment of a Mixed Commission (or of an Arbitration) to determine the frontier line; thus recognizing the undeniable efficacy of that method of adjustment of all questions of boundary. Your Excellency presented as *an aspiration* of Her Britannic Majesty's Government, *as a most important desire*, that it should be stipulated that the line start from the seacoast towards the west of the river Guaima, promising to make due compensation in the disputed district for this deviation from the principle of equality. Your Excellency will perceive how very widely these proposed bases of settlement vary from the unconditional and extreme proposition now made in Your Excellency's note of the 3d of July last. In the note last named it is pretended that Venezuela should accept "as indisputable" the capricious "Schomburgk line," excluding from arbitration all the territory within that line, and which Great Britain claimed not as a right, but only as a matter of *convenience* in the discussion of boundary. That territory is now claimed as a right, and

British jurisdiction extended to and over the rivers Cuyuni and Barima, Point Barima, and over the territories adjacent to said streams, from their source to their debouchure into the great mouth of the Orinoco. This means that Venezuela should give up an area of her territory far larger than that marked out by Lord Aberdeen in 1841, and larger than that proposed by Lord Granville in 1881; twice as large as that proposed by Your Excellency yourself in 1886, and still more important than the one desired by Sir Th. Sanderson in conference with Dr. Lucio Pulido on July 31, 1890, when he promised that England would abandon her pretensions to the mouth of the Orinoco, and agree to fix a limit on that side "by means of a line, which, starting from Point Mocomoco, between Point Barima and the river Guaima, should reach the river Amacuro on the southwest."

Your Excellency repeats in the note of July 3d last, in answer to the proposals of settlement presented by me with memorandum of May 26th, the demand that Venezuela recognize, as indisputable, the line proposed by Sir Th. Sanderson, in his note of March 19, 1890, addressed to Doctor Modesto Urbaneja, which was enclosed with a map, in which the course of said line was seen, and which far overreaches the original "Schomburgk line," not to mention its excess of the two lines proposed by Lords Aberdeen and Granville. Your Excellency consents only to the arbitration of that portion of territory which lies on the left bank of the river Cuyuni up to the point where that stream intersects the "Schomburgk line," near the debouchure of the Acarabisi. That is to say, arbitration is consented for in regard to territory which at no former time has been a matter of dispute, and which the Republic of Venezuela has quietly and peacefully held in possession since the time of its Independence; a possession founded upon indisputable and hitherto undisputed historical and juridical titles.

Your Excellency can hardly fail to perceive the insurmountable difficulties presented by these various frontier lines claimed or proposed by Her Britannic Majesty's Government in 1841, 1881, 1886, 1890, and at the present time; and likewise

the unvarying tendency shown to extend the limits of the Colony of British Guiana at the expense of the Venezuelan territory, and the manifest discordance which the propositions of Your Excellency in 1886 show, with the present request that Venezuela accept, without any compensation whatsoever, the enlarged "Schomburgk line," which dispossesses her, not only of the river Guaima (an *important desire* of the Foreign Office in 1886), but also deprives the Republic of the river Barima and the cape of that name, together with its adjacent territories.

The question naturally suggests itself: What is the nature of the titles and of the documents upon which the present enlarged and extended British claim is supposed to rest; a claim so diverse and elastic, and so foreign to antecedents, to unity and precision? If any titles at all exist, and they be as conclusive as the British Foreign Office now assumes them to be, why not submit them to examination by an impartial tribunal? Could any solution of the controversy be more "practical?" Could any be found more in accordance with justice and the practice of civilized nations? This is all that Venezuela asks. She is willing to confide her case to the judgment of a Mixed Commission, or to a tribunal of arbitration, to abide their decision, and thus end a vexatious controversy of fifty years' standing.

The only document quoted by Sir Th. Sanderson, in his reply to the Memorandum sent by Doctor Lucio Pulido in 1890 to the Foreign Office, was the treaty of Münster of 1648, according to which Sir Th. Sanderson maintains that the territory in dispute belonged to Holland by right of previous occupation; that its occupation by Great Britain during the wars at the close of the Eighteenth Century was publicly and effectively made, and that the formal transfer of the country thus occupied took place by the Treaty of Peace with the Netherlands on the 13th of August, 1814, and was not disputed by Spain on signing the Treaty of Peace with her in the same year. Sir Th. Sanderson omitted to say that the Treaty of Münster did not specify the territory recognized by Spain as belonging to the Dutch; that the Spaniards remained in possession of all the land which extends from the Orinoco to the Essequibo, in the

vicinity of which they had established missions, as well as posts on the Cuyuni; that Spain's efforts were unceasing to drive the Dutch away from the Orinoco, which latter people were forbidden by the Treaty of Münster to even communicate with the Spanish settlements, and that the English, when they took the Dutch Colonies by force were also subject to the same prohibition; that all the hostile acts committed by the Dutch, or by the Dutch and English together, or by these latter alone, in open opposition to said Treaty and not ultimately made lawful by the consent of Spain, constitute no title whatever to dominion; that the treaty of the 13th of August, 1814, by which the Netherlands ceded to England the "settlements of Essequibo, Berbice, and Demerara," merely designated them by their names without expressing the limits of any one of them.

In the history of the Colonies of Essequibo, Demerara and Berbice, published in 1888 by the Dutch Captain, P. N. Nestcher, compiled from documents in the official archives of his own country, it can be seen that, in his opinion, the dividing line traced in one of his maps, commences from the Moroco and follows a southwesterly course to the crossing of the Cuyuni, and thence descending directly south as far as the Sierras of Roraima and Pacaraima. Moreover, the only document which gives direct information of the limits between the Spanish Colonies and those of Dutch Guiana, namely the Treaty for the Extradition of fugitive slaves and deserters in 1791, locates the Spanish Colonies at the Orinoco and the Dutch at the Essequibo, Demerara, Berbice and Surinam. Consequently Spain did not believe that the Dutch had any possession whatsoever at the north or at the northwest of the Essequibo. The Treaty with Great Britain in 1814 (not of peace, as Sir Th. Sanderson says, but of Alliance, since peace existed between them since 1802 and their forces acted jointly in the Spanish Peninsula to repel the French invasion) would have had no motive for complaint on account of the greater extension given to Holland's settlements with consequent detriment to those of Spain. Lastly, Sir Th. Sanderson omitted to state that the English Government, in the list they published in 1877 of their British Colonies, carried the frontier of

Guiana almost to the south of the mouth of the Amacuro as far as the junction of the rivers Cotinga and Takutu, and that in the list published in 1887 it makes the line follow an extensive turn toward the south following the Yuruary.

From what has been stated it will be perceived that, throughout the whole period of this controversy, Great Britain has never once produced any historical or other lawful title to show with any degree of certainty the true and legitimate origin of any one of the many lines which she pretends that Venezuela ought to accept as "indisputable." Lacking these lawful titles, and violating all that was stipulated and promised by Sir Bedford Wilson in 1850, to wit, that both countries should hold as neutral the then disputed territory until the conclusion of a Definite Treaty of boundary, Great Britain has proceeded to occupy *de facto* the area comprised within the "Schomburgk line" which was once formally disclaimed by the British Government.

In contrast with these pretensions, and with proceedings so little conducive to the maintenance of harmony between the two countries, Venezuela, in order to arrive at a just and honorable final settlement of the question in dispute, proposes to submit to the verdict of a Commission of persons duly authorized by both parties, who shall analyze all antecedents, examine all titles, scrutinize all historical documents and vouchers, and sift all evidence upon which each country predicates its claim, and thence fix a corresponding boundary line—the Commissioners submitting to the decision of *arbiters juris* all questions on which they may not be able to agree.

It cannot but be recognized, therefore, that the conduct of Venezuela's Government offers the most palpable proof of its love of justice and of its earnest desire to do its part, as far as may be compatible with its legal obligations, to preserve and defend its territory, to bring about a settlement, and the restoration of diplomatic relations.

Greater proofs of intelligent comprehension of the question, greater independence and impartiality could not be desired than those of that High Tribunal of arbitration, whose decision shall be unappealable. How is it possible that Her Britannic

Majesty's Government can consider as impracticable or unacceptable an arbitral decision to settle the question of limits with Venezuela when other nations have had recourse to it in similar cases, and quite recently Great Britain herself in the case of the Behring Sea controversy with the Republic of the United States?

It is with the sincerest regret that I shall inform my Government of the contents of Your Excellency's note of the 12th inst., in which the propositions formulated by me have been ignored; propositions made in fulfillment of my instructions, and inspired by an earnest desire to bring to a decorous and lawful termination this so long-standing question of boundaries, and by such means arrive at the re-establishment of the diplomatic relations between both countries.

It only remains, however, for me to most solemnly declare in the name of my Government, that it is with deep regret that it finds itself compelled to leave the present situation (the outcome of the events that have taken place on the disputed territory during the last few years) subject to the grave disturbances which the *de facto* proceedings can hardly fail to give; and also to state that at no time will Venezuela consent that such proceedings be recognized as titles in support of an occupancy which is contrary to her rights to territorial jurisdiction.

I take advantage of this opportunity to renew to Your Excellency the sentiments of my highest consideration, and I have the pleasure to subscribe myself

Your Excellency's obedient servant,

TOMÁS MICHELENA.

To the Earl of Rosebery, Prime Secretary of Foreign Affairs of Her Britannic Majesty's Government, London.

Dr. Michelena to Lord Rosebery.

[Translation.]

CONFIDENTIAL AGENCY OF VENEZUELA IN GREAT BRITAIN.

PARIS, October 6th, 1893.

My Lord:

I have the honor to acknowledge the receipt of Your Ex-

cellency's communication of the 22d of September ulto., informing me that Her Britannic Majesty's Government, having taken into consideration the representations contained in my note of August last, voicing the complaint of the Venezuelan Government on account of certain acts performed by the authorities of British Guiana in violation of the territorial rights of the Republic, does not consider that the acts referred to in my note constitute a violation of the above mentioned rights, as in reality such acts, Your Lordship adds, are nothing but part of the necessary administration of a territory that the Government of Her Britannic Majesty considers unquestionably as a portion of the Colony of British Guiana, and upon which territory (as it has been the duty of Her Britannic Majesty's Government to declare more than once) no claim whatever could be admitted on the part of Venezuela.

I shall report Your Excellency's communication to my Government, which will doubtless cause a deep feeling of regret, since Her Majesty's Government ignores the legitimate rights Venezuela has to oppose certain acts of the authorities of the Colony of British Guiana, performed upon a territory Venezuela considers exclusively her own, which she has possessed perfectly and undisturbed until within a few years past, when the British Colony invaded them performing acts of jurisdiction which have given rise to repeated and energetic protests on the part of the Government of the Republic.

Her Britannic Majesty's Government will in vain consider this territory as an unquestionable portion of the Colony of British Guiana, when against such declaration stands as an incontestable testimony of which public opinion is fully aware the history of this boundary question for the last fifty years. This history plainly shows the questionable nature of the pretended rights of the Colony of British Guiana; and before the High Tribunal of public opinion one single stroke of the pen of Her Britannic Majesty's Government can never suffice to efface the verdict condemning acts of force as unduly performed as they are useless.

It is my duty to again protest most solemnly in the name of

the Venezuelan Government against the acts of the Colony of British Guiana which constitute an invasion upon the territory of the Republic; and I also protest against the declaration in Your Excellency's communication, that Her Britannic Majesty's Government consider that portion of the territory as forming part of British Guiana, and that no claim whatever from Venezuela upon the same can be admitted. In support of this protest, I hereby confirm all the arguments contained in my communication to Your Excellency bearing date of the 29th of September ultimo, and also all the facts presented by the Government of Venezuela in the several occasions in which it has been obliged to make this same protest.

I will close by casting upon Her Britannic Majesty's Government all the responsibility of the acts that may take place in the future, owing to the necessity in which Venezuela is placed to oppose by all possible means the spoliation of any portion of her territory, since the refusal to put an end to this violent situation by means of arbitration is a disavowal of all her rights that places her in the painful position which she is forced to assume to provide for the legitimate defense of her rights.

I have the honor to remain Your Lordship's obedient humble servant,

TOMÁS MICHELENA.

To His Lordship the Earl of Rosebery, Her Britannic Majesty's Secretary of State.

PART XIII.

Dr. Lobo to Mr. Gresham.

[Translation.]

LEGATION OF VENEZUELA.

WASHINGTON, October 26, 1893.

Dr. David Lobo, Chargé d'Affaires *ad interim* of Venezuela, presents his compliments to the Secretary of State, and in compliance with the request expressed by the Secretary at the interview of October 24th, has the honor to enclose herewith a brief review of the boundary question pending between Venezuela and Great Britain.

He asks the Secretary also to inform him on what day it will be convenient to the former to have him call at the Department for a fresh discussion of the subject referred to.

To the Honorable the Secretary of State.

Prominent Facts Relating to the Boundary Question between Venezuela and Great Britain.

LEGATION OF VENEZUELA.

The Republic of Venezuela inherited from Spain all the territories formerly known as Captaincy-General of Venezuela.

Guiana was a province thereof. It was bounded by the Atlantic ocean on the east, and by the Amazon river on the south.

A part of this territory had been invaded by the Dutch, during their war of independence. Their rights over the newly-acquired possessions along the northern coast of South America were recognized by Spain on the 30th of January, 1648 (Treaty of Münster).

In the extradition treaty signed at Aranjuez on June 23, 1791, by Spain and Holland, the Islands of St. Eustache and Curaçao, and the colonies named Essequibo, Demerara, Ber-

bice, and Surinam, lying east of Venezuela, were considered to be Dutch possessions.

Essequibo, Demerara, and Berbice were transferred to Great Britain through the treaty of London, August 13, 1814. England has no other titles in Guiana than those conferred by virtue of this treaty, so that in 1811, the year of Venezuelan independence, the Essequibo river was the boundary between Dutch Guiana and Venezuela. The Essequibo limit was furthermore maintained by the Government of Colombia, in 1822, and has been established in the Constitution of Venezuela up to the present time.

1841.—An English Commissioner, Engineer Schomburgk, planted posts and other marks of dominion in Barima and Amacuro, far west of the Essequibo river. The Government protested and Her British Majesty ordered the prompt removal of the marks, which, it was stated, were not intended to indicate possession.

1844.—The Minister Plenipotentiary of Venezuela in London, Señor Fortique, succeeded in opening negotiations with England, after three years' preliminaries, and proposed the Essequibo river as a divisional line between Venezuela and British Guiana.

Lord Aberdeen, then Minister for Foreign Affairs, proposed the Moroco, a river west of the Essequibo, but the Government did not accept the latter line, as it deprived the Republic of the tract of land lying between the two rivers.

1850.—To the effect of contradicting a rumor that Great Britain intended to claim jurisdiction over Venezuelan Guiana, Mr. Wilson, then British Chargé d'Affaires to Venezuela, stated that his Government had no intention to occupy the region disputed; that they would neither order such occupations nor sanction them on the part of their authorities, and that the latter would be enjoined to refrain from such acts. He also requested and obtained a similar declaration from the Government of Venezuela.

1876.—The settlement of the question was again urged by Venezuela, and in February, 1877, Dr. J. M. Rojas, Minister

Resident in London, reopened the negotiations commenced by Señor Fortique. He stated that the proposition offered by Lord Aberdeen had not been accepted because of certain conditions connected with it which interfered with the sovereignty of the country. He also expressed the conciliatory sentiments of the Government ; but the consideration of the matter was postponed by the British Cabinet until after the arrival of the Governor of British Guiana, who was expected in London about March.

1879-1881.—Dr. Rojas, who had resigned his post in 1878, was again appointed to the Legation in London. On the 12th of April, 1880, he informed Lord Salisbury that Venezuela, in order to come to a satisfactory agreement, would abandon the position of strict right and adopt a frontier to the convenience of both parties, such as the Moroco river, indicated by Lord Aberdeen in 1844, as a boundary on the coast.

Her Majesty's Government replied, February 12, 1881, that the Moroco line could not longer be admitted, but that they would consider any conventional line starting from a point on the coast south of the former.

On the 21st of the same month Dr. Rojas sent his answer to Lord Granville and suggested, as a proof of the friendly wishes of Venezuela, the drawing of a line commencing on the coast one mile north of the mouth of the Moroco. He also declared that, in case of non-acceptance, there was no other course left but arbitration. Lord Granville equally rejected the new boundary, and proposed another which he described in a confidential memorandum. This compromise was carefully examined by the Government and found utterly unacceptable, as it established a limit widely different from the original Essequibo frontier, and was based on certain assumptions absolutely erroneous.

1883.—General Guzmán Blanco was appointed Envoy Extraordinary and Minister Plenipotentiary to Great Britain, for the settlement of this and various other matters. While negotiating a new treaty of commerce, he obtained from the British Government a written promise to submit to arbitration all

disputes arising between the two countries, the Guiana boundary question included. A change in the ministry took place shortly afterwards, and Lord Rosebery, Lord Granville's successor, refused to keep the aforesaid promise on the ground that controversies on limits could not be judged by arbitration. Lord Rosebery evidently forgot that England applied it to similar disputes with the United States, in 1827 and 1871, when the King of Holland and the Emperor of Germany acted as arbiters.

1886.—Lord Rosebery presented a new frontier. This was deemed inadmissible for several reasons, one of them being that, conjointly with it, a demand was introduced for free navigation and commerce on the Orinoco river.

As the invasion went on without interruption and acts of jurisdiction over the Venezuelan territory were constantly committed by English authorities, the Venezuelan Legation solemnly protested and demanded satisfaction.

1887.—On the 6th of January Venezuela reiterated her willingness to appeal to arbitration, pursuant to which she demanded the previous evacuation of the region between the Orinoco and Pomaron rivers, declaring at the same time that if by the 20th of February no answer had been given, or a negative one had been returned, she would be forced to sever her diplomatic relations with England.

The proposition for arbitration was again refused. Venezuela accordingly protested once more against the grievous proceedings of Great Britain, and suspended relations with her on the 20th of February, 1887.

Through the intervention of the United States Lord Salisbury consented to receive Dr. Lucio Pulido in 1890, as Confidential Agent of the Republic. Notwithstanding his efforts, Dr. Pulido did not obtain a satisfactory arrangement, and returned to Venezuela soon after.

Señor Tomás Michelena was appointed to London with the same character some months ago, with a view to promote and procure the re-establishment of her former connections with Great Britain; but since Lord Rosebery, while disposed to

surrender the controversy to the decision of an arbiter, does not admit the existence of Venezuelan titles over the territories comprised between the Essequibo river and the Schomburgk line, as shown in the map hereto subjoined, and is absolutely negative as to considering the possession of this vast portion of land subject to arbitration, no practical or valuable results can be reached through the renewal of friendship without the formal pledge of England that it is desirous to settle the conflict in accordance with the laws of justice and right.

Venezuela is, and always has been, willing to submit to arbitration. In pursuance of this purpose, she invoked and obtained the moral help of all the American republics. She instructed her Minister in Washington, in 1890, to request the friendly services of the Government of the United States, which were cordially offered her, inasmuch, said Mr. Blaine, as the volume of evidence in favor of Venezuela is overwhelming and mostly derived from English sources.

DAVID LOBO.

October 26, 1893.

Mr. Andrade to Mr. Gresham.

[Translation.]

LEGATION OF VENEZUELA.

WASHINGTON, March 31, 1894.

Sir:

In our interview of the 8th of last January, the subject of which was the endless and vexed boundary controversy between Venezuela and Great Britain, Your Excellency expressed the wish that I should explain in writing certain especial points connected with it. This I have endeavored to do, so far as it has been in my power, in the memorandum which I have the honor to hand to Your Excellency. It is only a brief history of the discussion between the two parties, from its commencement up to the present day.

Your Excellency will see by that document, first, that although the question has not yet been adjusted, Great Britain

has departed from the agreement concluded with Venezuela by which the contested territory was declared neutral so long as the controversy remained unsettled, and taken possession of the said territory, and now exercises over it all the rights of exclusive domain; and, second, that all the diplomatic means having failed by which she could obtain the acknowledgment of her right and a reparation for the offense received from her opponent, Venezuela has invited the latter for years past to submit the contest to arbitration, and that Great Britain has inflexibly declined her just demand.

Vainly have the Government of the United States, on different occasions and under various forms, expressed their wish to see the difficulty settled by award of arbitrators, and vainly, also, have the Governments of Mexico, Colombia, Ecuador, Chile, Argentine Republic, Guatemala, Salvador, Nicaragua, Costa Rica, and Haiti interposed in that direction their friendly recommendations to the British Foreign Office. Her Britannic Majesty's Government have persisted in their refusal.

The precedents established by Great Britain herself in various cases of similar differences with other nations, have proved equally powerless to influence her and to persuade her to adjust in the same way her dispute with Venezuela.

In 1829, she consented to submit to the decision of the King of Holland a boundary question with the United States; a similar one with Portugal, in 1872, to the judgment of the President of the French Republic, Marshal MacMahon, and recently, in 1893, to the Court of Arbitration of Paris the difference concerning the sphere of action and jurisdiction in the Bering Sea, which can be properly called a boundary question.

If Her Britannic Majesty's Government believes that in the cause, nature, and object of their dispute with Venezuela there is something to make it differ from the disputes just mentioned, and to sufficiently legitimize her obstinate resistance; if they consider their titles to be so unquestionable that it is useless to ascertain on whose part justice is; if they are afraid to abandon a right which, in their opinion, is certain and perfect, and to expose the dignity and independence of their

country by allowing an authorized and impartial court to tell them whether or not their pretensions are fully justified, then those motives themselves could be submitted to the judgment of arbiters, under this form, namely: "Is Great Britain right in refusing to surrender to arbitration her boundary controversy with Venezuela?" If what she seeks is justice, why does she object to its being established and proved by the arbiter or arbiters?

International law does not offer at the present time any better means of solving a controversy, specially when relating to frontiers, in accordance with the principles of equity and justice, than the reference of it to the decision of an umpire; neither can it be contended that such reference can in any way affect the dignity or independence of a State. In proof of this, it would be difficult to cite a fact of greater consequence and authority, as England herself must avow, than the famous arbitration of Geneva, which decided the question of the "Alabama"; and, but for fear of importuning Your Excellency, the undersigned could recall for further evidence many subsequent cases, equally decisive, to demonstrate the tendency of all the civilized Governments of our days to impose upon themselves voluntarily, rather than shun, the obligation of subjecting to arbitration all controversies, of whatsoever kind they may be.

The authority of the law of arbitration is so generally acknowledged to-day by civil States that any refusal to submit to it is esteemed by the most renowned writers on international law as sufficient reason to justify, on the part of him who claims, the employment of coercitive means for the purpose of forcing the other party. Venezuela cannot successfully resort to this expedient, from which she would probably not derive, on account of the very same reason, any other result than that of hastening the cessation of the state of peace in which, by dint of self-control, she has maintained herself in regard to her powerful opponent. She certainly desires a reparation for her trampled rights and interests, but so far, as it has been shown, through the judicial proceeding that modern civilization en-

deavors to establish as a regular and ordinary means of preventing war.

Conformably to their custom of seeking and obtaining the help of the United States for the better adjustment of this same conflict, the Government of Venezuela have instructed me to ascertain the mind of the Government of this Republic as to their present disposition to tender their aid in the peaceful design of procuring the final acceptance by England of the civilized recourse proposed by Venezuela for the honorable settlement of the question.

The United States has asserted as a principle in which it considers its own rights and interest to be involved, that the nations of the American Continent, after having acquired the liberty and independence which they enjoy and maintain, are not subject to colonization by any European power; and the Government of the undersigned entertain the hope that in the aforesaid declaration, and in the judicial guardianship of international law, which, to a certain extent, the United States assumed on this continent in virtue of that declaration, and which it has actually exercised hitherto, the Government of Your Excellency will find sufficient reasons of political convenience, and, perhaps, even of moral obligation, to allow them to adopt such a tone in their new representations as may convince Great Britain, without affecting her inviolableness or that of anything lawfully pertaining to her, of the necessity of granting to Venezuela what Venezuela has an undeniable right to demand of her.

I beg to offer to Your Excellency the renewed assurance of my highest consideration.

JOSÉ ANDRADE.

To His Excellency W. Q. Gresham, Secretary of State.

[Inclosure—Translation.]

Memorandum on the Boundary Question between Venezuela and British Guiana, Communicated to the Honorable W. Q. Gresham, Secretary of State.

Venezuela's rights over the territory in dispute are, as it is known, derived from Spain, whose sovereignty, titles and ac-

tions, which she inherited by the event of her independence, were afterwards ratified by virtue of the treaty of recognition, peace, and amity concluded between the two nations on the 30th of March, 1845.

The sovereignty, titles, and actions which, in this solemn instrument, were renounced by His Catholic Majesty, in his name and in that of his heirs and successors, are the same which the Spanish Sovereign possessed until 1810 over the country formerly known as Captaincy-General of Venezuela. This being subsequently constituted as an independent Republic, included thirteen provinces, that of Guiana among them.

By that time the Captaincy-General of Venezuela had the following geographical boundaries: on the north the Caribbean sea and Atlantic ocean beyond the eastern bank of the Essequibo; on the south, the Marañon or Amazon river; on the west, the Vice-royalty of Santa Fê, and on the east, Dutch Guiana which, by the convention of August 13th, 1814, signed in London by His British Majesty and the United Provinces of the Netherlands, came to be the British Guiana of the present time. Such, at least, had been the allegation of the Spanish Governments ever since 1648, and such the position which they considered themselves entitled to maintain, founded on treaties of peace and friendship, and of boundaries with Portugal, Holland and England; and the fact is furthermore attested by countless schedules, ordinances, instructions and other official deeds of the King of Spain, together with no smaller a number of historians, travelers, geographers and hydrographers that it is not within my scope to specify here. Apart from the limits referred to, the territory lying west and south as far as the Portuguese possessions of Brazil, belonged in its entirety to the Crown of Spain in 1810, notwithstanding any transitory or not well asserted occupancy of some spot on the seashore on or about the Orinoco river, or along the rivers in the interior, with posts, barracks, forts, stores or other settlements of the West Indies Company not legally authorized, or of the Dutch smugglers who, from an early date had often infested Spanish Guiana. The regions thus occupied had their lawful

owner, who had never relinquished them, and without whose consent they could not be appropriated for any use, he having at all times looked on the settlers as usurpers of his dominions from which he would expel them even by force of arms.

Venezuela, furthermore, has never confirmed such usurpations by any consent, law, treaty, cession or act whatever of voluntary abandonment. Out of moderation and prudence, however, she has contented herself with claiming the Essequibo line as that dividing Venezuelan Guiana from British Guiana. Starting from the mouth of said river, this line runs southward up-stream as far as $4^{\circ} 12'$ north latitude, half way between the mouths of the Sibarona and Rupumuni; thence eastward across the Essequibo, and one-fourth to the southeast over the Tumucuraque mountains, and finally bends to the southeast until it reaches $2^{\circ} 10'$ south latitude and $56^{\circ} 4'$ west longitude, where it meets the mountains of Acaray, inhabited by the Chiriguana Indians.

As regards her right of possession, as heiress to Spain, over the territory inclosed within the aforesaid bounds, she has never entertained the least doubt; she considers such right to be clear, historically evident, and easily demonstrable. In her opinion, the vast tract of land occupied by the settlers from Demerara and Berbice has been unquestionably usurped, but the necessity of devoting herself, as she naturally did, to the supreme struggle for her independence first, and afterwards to the absorbing work of her internal organization when she separated from the old Republic of Colombia, thus neglecting all questions not essential to her existence, prevented her from seeking a definitive adjustment of the matter with England.

Great Britain, on the other hand, had herself shown no interest in discussing it, apparently satisfied with possessing *de facto* the Pomaron district, which the force of events had allowed her to retain. For the first time in 1840 she evinced greater pretensions. At the latter part of said year she commissioned Sir R. H. Schomburgk, without the knowledge or acquiescence of Venezuela, to examine and lay down the boundaries of British Guiana, and directed the Governor of this

Colony to withstand all aggressions on the territories adjoining the frontier, until then inhabited by independent tribes. The Venezuelan Department of Foreign Relations was kept ignorant of such measures until informed by Her Majesty's Consul at Caracas, when they had already been, or were unavoidably to be, carried out. Thus the English engineer was enabled to reach the mouths of the Barima and Amacuro on the Orinoco, where he erected a sentry-box, hoisted his nation's flag and set up royal monograms and other emblems. He then proceeded to the interior of the country, made surveys, delineated metes and bounds, and drew out maps. Such was the origin of the so-called Schomburgk line.

Venezuela, however, did not tolerate the action taken by the British Government, for she immediately complained and remonstrated, until due satisfaction was obtained. According to explanations given by the Government of Demerara, the Commission intrusted to Schomburgk was only a part of a project which Lord Palmerston had recommended to the Secretary of State at the Colonial Office of the United Kingdom, to the effect that a map of British Guiana should be figured in accordance with the bounds described by the aforesaid engineer, to which was to be appended a report illustrative of the natural features defining and constituting them; that a copy of both the map and report should be sent to the Governments of Venezuela, Brazil, and the Netherlands, as a statement of the British claims, and that, meanwhile, commissioners should be dispatched for the purpose of establishing posts on the land, intended to represent permanent marks of the boundaries to which Great Britain pretended; which being done, and after each of the three Governments interested had offered their objections, stating the arguments in support of their assertions, the British Government would present the reasons they deemed proper and just. Consequently, Schomburgk's marks were to be regarded as a measure conformable to Lord Palmerston's purpose, not as symbols of possession capable of becoming, later on, titles of sovereignty for any of the four States, exclusive of all other nations that could lay claim to

the region thus bounded. And, as though to dispel all doubts regarding the real intention of Her Britannic Majesty's Government, Lord Aberdeen added to the above explanation an order, which was actually executed, to remove all the marks.

Considering the occasion favorable for the full and decisive establishment, by treaty, of the boundaries between the two Guianas, the Venezuelan Government had resolved to profit by it, and to authorize to that effect their Diplomatic Minister at London, Señor Fortique, who unfortunately died before he had succeeded in securing to his country the fruit of the negotiation with which he had been intrusted. He had time, however, to induce Great Britain to admit the supremacy of the Venezuelan titles over the territory between the rivers Moroco and Orinoco, as it appears by the line lastly proposed by Lord Aberdeen, viz.:

"Beginning on the east coast at the mouth of the river Moroco, it runs straight to a point where the river Barama joins the Guaima; from there up the Barima as far as the Aunama, which it follows upward to the place where this creek reaches its shortest distance from the Acaribisi; then it descends the said Acaribisi as far as its confluence with the Cuyuni, following afterwards the latter river up-stream until it reaches the high lands in the immediate neighborhood of Mount Roraima, which divides the waters flowing to the Essequibo from those running into the river Branco."

"Great Britain" (finally said Lord Aberdeen) "is disposed to cede to Venezuela the whole of the territory situated between the line mentioned and the Amacuro river and the chain of mountains where it takes its source, on condition that the Government of the Republic shall bind themselves not to alienate any portion of said territory to any foreign power, and also that the Indian tribes at present residing in it shall be protected against ill-treatment and oppression."

This was simply a resumption of her position in 1836, when the British Legation at Caracas admitted that the Venezuelan Government had legal power to pass decision in matters relating to the construction of lighthouses at Punta Barima and

the setting of beacons at the large mouth of the Orinoco, and of 1838, when the Governor of Demerara expressed his opinion, in official dispatch, dated the 1st of September (Parliamentary Papers) that the Pomaron river, west of the Essequibo, could be accepted as the limit of the English colony.

As, however, the delineation proposed dispossessed Venezuela of the territory comprised between the rivers Pomaron and Essequibo which she claimed to be her dominion, she did not esteem convenient to admit it without certain modifications, which she sent to London, but which were never submitted to Her Majesty's Government, owing to the discontinuance of the negotiations consequent to the decease of the Venezuelan Minister. In her opinion, however, Lord Aberdeen's proposal has lost nothing of its import as a proof that she never accepted Schomburgk's line, and that Great Britain herself had formally desisted, not only from upholding said line, but from Lord Palmerston's design, and, after a renewed and more conscientious consideration of her titles, had renounced all dominion over the land between the Moroco and Amacuro. Such was the state of affairs about the middle of 1844.

A few years later, in 1850, a rumor spread that Great Britain intended to take possession of the Venezuelan province of Guiana. This gave rise to a public feeling of indignation, which manifested itself in the organization of patriotic societies all over the country for the purpose of opposing and repulsing the aggression. The Government directed the authorities of the province especially menaced to prepare it for defense and to repair and fit out all the forts, until then dismantled and abandoned, and a bill was introduced in the House of Representatives authorizing the Executive to have a fortress immediately erected on the spot held to be the boundary between Venezuela and British Guiana, without indicating it.

The intense excitement of the public feeling already referred to did not fail to attract the notice of the English Government, who, foreseeing the possibility of hostile acts on the part of the Venezuelan authorities of Guiana, anticipated

them by communicating to the Lord's Commissioners of the Admiralty the instructions they deemed convenient to transmit to the Vice-admiral of Her Majesty's naval forces in the West Indies, to be carried out in case the aforesaid authorities should insist upon fortifying the territory in dispute between Great Britain and Venezuela. On the other hand, they authorized their Chargé d'Affaires at Caracas to deny the popular report attributing to Her Majesty's Government certain intentions, in every respect unfounded and contrary to the truth, and likewise to declare that, while his Government did not intend to occupy or encroach upon the territory in dispute, nor would order or sanction at any time such occupancy or encroachment by British authorities, they could not see with indifference the aggressions of Venezuela upon that territory. They accordingly expected that the Venezuelan Government would make a similar declaration and would consent to send their agents in Guiana positive orders to refrain from taking any steps that might justly be regarded as aggressive by the English authorities.

In reply, Venezuela likewise manifested that she entertained no intention whatever to encroach upon or occupy any portion of the territory the possession of which was controverted by the two States; neither would she look with indifference upon a contrary proceeding on the part of Great Britain, and that, moreover, she would enjoin her authorities in Guiana to take no steps that might violate the obligation which that agreement imposed upon the Government.

Such was the *status quo* of the question in 1850.

In 1848 and 1849 Venezuela had just started on the path of internal disturbances and armed revolutions, which afflicted her during more than a quarter of a century, and prevented her from attending to the boundary question with Great Britain, no action either having been urged by the latter country during that period.

It was scarcely on two occasions, and perhaps only in a dissembling way, that Great Britain was seen to take any steps in regard to Venezuelan Guiana. I allude to the steps she took

in 1857, through her *Chargé d'Affaires* at Caracas, intended to obtain a permission of the Executive, by virtue of which scientific expeditions composed of British subjects might visit the mining region of Venezuela, with the purpose of not infringing her rights, but simply of ascertaining the situation and prospect of the gold deposits, and report about them. The Government replied that they would admit without objection the announced expeditions, and would treat them with the benevolence due to their object, provided they entered through the capital of the province of Guiana. The other occasion occurred in 1874, when the English subject, Thomas Garret, suspected of homicide, was captured in Venezuelan territory by agents proceeding from Demerara. Venezuela demanded his delivery and obtained the suspension of the trial, though later on the case was taken up again by order of Her Britannic Majesty's Government, on the ground that, as asserted by the British Resident Minister at Caracas, the arrest had been made in places claimed by both countries, and that it was improper that such places should serve as a refuge for criminals of either nationality, under protection of the agreement of 1850, since nothing was more distant from the mind of His Government than to sanction any violation of the territorial rights of the Republic.

In 1876, new indications of a decided purpose to carry onward the discussion were evinced by the Venezuelan Foreign Department. Such may be considered the note, dated November of the same year, which it addressed to the British Foreign Office, and which was subsequently communicated in form of memorandum bearing the same date, to the Hon. Mr. Fish, for the information of the Government of the United States; the appointment of Dr. José Maria Rojas as Resident Minister in London, and, finally, the President's Message to Congress in 1877.

Though Señor Rojas acted diligently from the outset to the effect of promoting the issue of the negotiations interrupted in 1844 by the death of Señor Fortique, he did not succeed any better than his predecessor.

The ground of strict right having been abandoned by mutual accord, Señor Rojas entered upon that of compromises and suggested that Venezuela would willingly accept the Morocco line, which had been spontaneously offered by Lord Aberdeen thirty-seven years before. Lord Granville this time refused to concede it, without stating any reason for his refusal, and, after rejecting another line devised by the Venezuelan negotiator, proposed the following, which, in his opinion, was not very different:

The starting-point will be a spot on the seashore, exactly twenty-nine miles longitude east of the right bank of the Barima river, whence the line would be carried south over the Mountain or Hill of Yarikita to the 8° parallel of latitude; thence westerly along this parallel till it crossed the boundary line drawn by Schomburgk; then to the Acaribisi and along this river until it entered the Cuyuni; along the left bank of the latter river up to its sources, and thence, in a southeastern direction, to Schomburgk's line, as far as the Essequibo and Corentyn rivers. That indicated by Mr. Rojas, referred to at the commencement of this paragraph, was to start from the coast, one mile north of the mouth of the Morocco, where a post would be planted; then run directly southward as far as the boundaries of both countries, along a vertical line beginning at the aforesaid post and extending between the 59° and 60° meridians, west of Greenwich¹.

Lord Granville, consequently, stood considerably apart from the Minister of Venezuela, still more from Lord Aberdeen, his predecessor in 1844, and still more even from Señor Fortique, the opponent of Lord Aberdeen, who had advocated the historical line of the Essequibo river. Moreover, he made reference in various points to Schomburgk's uncertain and capricious demarcation; he did not comprehend in his proposal the whole extent of the frontier to be designated, and, above all, he conferred upon Great Britain, without any valuable reason, a vast tract in regard to which she appeared to have renounced her vague intentions through Lord Aberdeen. In consequence thereof the Government of Venezuela deter-

¹ By some inadvertance the 'Rojas Line' is here described erroneously. For correct description, see Dr. Rojas' note to Lord Granville, dated February 21, 1881; also map herewith.

mined to refuse their assent to the proposal and to discontinue the interchange of projects of adjustment which, so far, had only succeeded in convincing them how difficult it was to conciliate the rights and interests of the antagonistic parties through direct negotiations between them. Four years, from 1841 to 1844, had been wasted away by the Republic in fruitless attempts to bring about an understanding with her neighbor, while Dr. Rojas's mission, equally unsuccessful, had already lasted a longer period, from 1877 to 1881. The Colony of Demerara, profiting by the interval between this mission and the previous one, had silently advanced its settlements on the Orinoco and Caroni, projected the opening of roads into Venezuela, sent expeditionists to the mining regions of the country, etc. And, finally, at the close of 1880, while Dr. Rojas was still negotiating in London, the press of Ciudad, Bolivar, the capital city of the State of Guiana, had reported the appearance of a man-of-war and merchant vessel, both British, at the mouth of the river Orinoco, provided with posts, wire, and other telegraphic articles.

Notice of the occurrence was given to the Government of the United States by Señor Simón Camacho, Resident Minister of Venezuela at Washington, in his note dated the 21st of December of the same year, 1880, to which the Hon. Mr. William M. Evarts returned the following answer on the 31st of January, 1881:

"In reply, I have to inform you that in view of the deep interest which the Government of the United States takes in all transactions tending to attempted encroachments of foreign powers upon the territory of any of the republics of this continent, this Government could not look with indifference to the forcible acquisition of such territory by England, if the mission of the vessels now at the mouth of the Orinoco should be found to be for that end. This Government awaits, therefore, with natural concern the more particular statement promised by the Government of Venezuela, which it hopes will not be long delayed."

On the 28th of February, 1881, when he was on the point to retire from office the Hon. Mr. Evarts wrote:

“Referring to your note of the 21st of December last, touching the operations of certain British war vessels in and near the mouth of the Orinoco river, and to my reply thereto of the 31st ultimo, as well as to the recent occasions in which the subject has been mentioned in our conferences concerning the business of your mission, I take it to be fitting now, at the close of my incumbency of the office I hold, to advert to the interest with which the Government of the United States cannot fail to regard any such purpose with respect to the control of American territory as is stated to be contemplated by the Government of Great Britain, and to express my regret that the further information promised in your note with regard to such designs had not reached me in season to receive the attention which, notwithstanding the severe pressure of public business at the end of an administrative term, I should have taken pleasure in bestowing upon it. I doubt not, however, that your representations in fulfillment of the awaited additional orders of your Government, will have like earnest and solicitous consideration at the hands of my successor.”

The information announced by Mr. Camacho did not reach the department until November, 1882, at which time Mr. Frederick F. Frelinghuysen was already Secretary of State. It contained, besides other documents, a copy of a “memorandum” by Mr. Seijas on the boundary question with British Guiana; a copy of the note, dated September 15th, 1881, wherein Lord Granville communicated to Mr. Rojas his proposal above mentioned, and of the memorandum subjoined to it; and a copy of the minute of the negative response the Venezuelan Government intended to give to that note, resorting to arbitration as the only resource available in future for the satisfactory arrangement of the difference. The President of the Republic thus submitted the matter to the Government at Washington, “hoping that it would give him their opinion and advice, and soliciting such support as they esteemed possible to offer Venezuela in order that justice should

be made to her." I beg to present an extract of Mr. Frelinghuysen's reply, as set forth in his dispatch dated January 31st, 1883, to Mr. Jehu Baker, who was then the United States diplomatic representative at Caracas:

"This Government has already expressed its view that arbitration of such disputes is a convenient resort in the case of failure to come to a mutual understanding, and intimated its willingness, if Venezuela should so desire, to propose to Great Britain such a mode of settlement. It is felt that the tender of good offices would not be so profitable if the United States were to approach Great Britain as the advocate of any prejudged solution in favor of Venezuela. So far as the United States can counsel and assist Venezuela, it believes it best to confine its reply to the renewal of the suggestion of arbitration and the offer of all its good offices in that direction. This suggestion is the more easily made, since it appears from the instruction sent by Señor Seijas to the Venezuelan Minister in London on the same 15th of July, 1882, that the President of Venezuela proposed to the British Government the submission of the dispute to arbitration by a third power.

"You will take an early occasion to present the foregoing consideration to Señor Seijas, saying to him that, while trusting that the direct proposal for arbitration already made to Great Britain may bear good fruit (if, indeed, it has not already done so by its acceptance in principle) the Government of the United States will cheerfully lend any needful aid to press upon Great Britain, in a friendly way, the proposition so made, and at the same time you will say to Señor Seijas (in personal conference and not with the formality of a written communication) that the United States, while advocating strongly the recourse of arbitration for the adjustment of international disputes affecting the States of America, does not seek to put itself forward as their arbiter; that, viewing all such questions impartially and with no intent or desire to prejudge their merits, the United States will not refuse its arbitration if asked by both parties, and that, regarding all such questions as essentially and distinctively American, the United States would

always prefer to see such contentions adjusted through the arbitrament of an American rather than a European power."

The response of Venezuela to Lord Granville's proposal, adverted to by the Hon. Mr. Frelinghuysen, had not been yet sent to its destination, nor could it be sent after the opinion of the United States was communicated, as Dr. José María Rojas had meanwhile retired from his post by resignation, and no one had been as yet nominated in his place. This, however, did not prevent the questions pending between Great Britain and Venezuela from becoming soon again the subjects of candid discussion, through the initiative of Great Britain. These questions were three, relating severally to boundaries, discriminating duties on merchandise imported from the West Indies, and pecuniary claims. Great Britain solicited that they should be treated and resolved conjointly, and thus brought on a long and amicable correspondence between her representative at Caracas and the Department of Foreign Affairs, which was in proper time communicated to the Government of the United States, as also the appointment of General Guzmán Blanco, Ex-President of the Republic, as Envoy Extraordinary and Minister Plenipotentiary near Her Britannic Majesty's Government.

The new Diplomatic Agent of Venezuela visited this city on his way to England, and held several conferences relating to the various objects of his mission with the Honorable Secretary of State, by whom he was recommended to Mr. Lowell in a confidential note, dated July 7, 1884, the two last paragraphs of which read as follows:

"It will necessarily be somewhat within your discretion how far your good offices may be profitably employed with Her Majesty's Government to these ends, and at any rate you may take proper occasion to let Lord Granville know that we are not without concern as to whatever may affect the interests of a sister Republic of the American Continent and its position in the family of nations.

"If General Guzmán should apply to you for advice or assistance in realizing the purposes of his mission, you will show

him proper consideration, and without committing the United States to any determinate political solution, you will endeavor to carry out the views of this instruction."

This time Venezuela could for a moment cherish the belief that she had reached the desired close of her boundary dispute, for, in spite of the adverseness of Great Britain to arbitration, as manifested beforehand by her Resident Minister at Caracas, and now steadily maintained in London by Lord Granville, General Guzmán Blanco had succeeded in obtaining his assent to sign a treaty of amity, commerce, and navigation, substituting that of 1825, wherein an article (XV.) was admitted in the following terms:

"If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any difference which cannot be adjusted by the usual means of friendly negotiation, the two contracting parties agree to submit the decision of all such differences to the arbitration of a third power, or of several powers in amity with both, without resorting to war, and that the result of such arbitration shall be binding upon both Governments.

"The arbitrating power or powers shall be selected by the two Governments by common consent, failing which, each of the parties shall nominate an arbitrating power, and the arbitrators thus appointed shall be requested to select another power to act as umpire.

"The procedure of the arbitration shall in each case be determined by the contracting parties, failing which, the arbitrating power or powers shall be themselves entitled to determine it beforehand."

Lord Granville's acceptance, as given in his note to General Guzmán, dated 15th of May, 1885, reads thus:

"M. LE MINISTRE: I have the honor to acknowledge the receipt, on the 12th instant, of your note dated the 6th instant, respecting the proposed new treaty between Great Britain and Venezuela.

"In reply, I have the honor to inform you that Her Majesty's Government agree to the substitution of the phrase

‘power’ to be chosen by the high contracting parties, instead of ‘arbitrators,’ in the article respecting arbitration, and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the high contracting parties, and not those only which arise on the interpretation of the treaty.”

And in a subsequent note, dated June 18, 1885, he said:

“M. LE MINISTRE: I have the honor to acknowledge the receipt of your note of the 8th instant, forwarding the draft of a new treaty of friendship, commerce, and navigation between Great Britain and Venezuela, to replace the treaties of 1825 and 1834, founded on the text of the treaty recently concluded between Great Britain and Paraguay, and on correspondence that has passed between us. . . .

“The clause in *italics* at the end of Article XV. would seem to render that article more explicit and to be useful for this purpose.”

To which General Guzmán replied, on the 22d of June, 1885:

“MY LORD: I have had the honor of receiving Your Excellency’s dispatch of the 18th, accompanying a copy in print of a draft treaty of friendship, commerce, and navigation between the United States of Venezuela and Great Britain, with certain corrections to which Your Excellency asks me to express my consent in order to avoid any misapprehension.

“I proceed accordingly to reply, that I see no objection to adding to Article XV. ‘the award of the arbitrators shall be carried out as speedily as possible in cases where such award does not specifically lay down a date.’”

Shortly after, a change occurred in Her Britannic Majesty’s Government, by virtue of which Lord Salisbury entered upon the duties of Chief Secretary of State at the Foreign Office, and so it was incumbent on him to finish the negotiation that Lord Granville had left close to its conclusion.

On the 27th of July Lord Salisbury addressed a note to General Guzmán stating, in regard to the clause on arbitration, which had already been accepted by Lord Granville, that—

“Her Majesty’s Government are unable to concur in the

assent given by their predecessors in office to the General Arbitration Article proposed by Venezuela, and they are unable to agree to the inclusion in it of matters other than those arising out of the interpretation or alleged violation of this particular treaty. To engage to refer to arbitration all disputes and controversies whatsoever would be without precedent in the treaties made by Great Britain. Questions might arise, such as those involving the title of the British Crown to territory or other sovereign rights, which Her Majesty's Government could not pledge themselves beforehand to refer to arbitration."

He accordingly inclosed a printed copy of the draft treaty, wherein the said clause of Article XV. appeared thus amended :

"If, as it is to be deprecated, there shall arise between the United States of Venezuela and Great Britain any controversies respecting the interpretation or the execution of the present treaty, or the consequence of any violation thereof, the two contracting parties agree——"

The Venezuelan negotiator gave the following response, which proved to be wholly ineffectual :

"With respect to arbitration, it appears to me that the new Cabinet could not, by itself alone, repeal the article to which its predecessor had given formal assent, and thereby placed it beyond its competence, and still less so after Your Lordship's declaration in the House of Lords that an engagement of the previous Government would be respected. I should be pained to think that this declaration did not include Venezuela.

"I think that boundary questions are of the number of those which it is most expedient to submit to the award of an impartial third party. As is shown in practice, other nations are also of this opinion, and that the same view is also shared by Great Britain I think may be inferred from her action during 1829 and during 1872, in agreeing to submit two controversies respecting territory to the decision of the King of Holland and of the Emperor of Germany, respectively. In the last case it proposed the arbitration no less than six times to the

United States, as they allege, and it was only the seventh time that they accepted this means of deciding whether or not the line should pass by the Haro Canal. It appears from the correspondence of the Venezuelan Plenipotentiary, Señor Fortique, that the same proposal was made to him orally for the termination of the dispute respecting Guiana.

"In fine, arbitration, in addition to having been employed on various occasions by Great Britain, has been so favorably entertained in her Parliament, and by her statesmen, and in the public opinion of the United Kingdom, that its general adoption could not fail to merit applause. Moreover, I proceeded in this matter conformably with the Constitution of Venezuela, which requires the Executive to stipulate for arbitration in comprehensive terms and without any restriction."

Lord Salisbury confined his answer to an expression of regret that the instructions communicated to General Guzmán did not allow him to agree to the restricted form of the article on arbitration, requesting at the same time that the points on which differences had arisen should be referred for modification to the Government of the Republic. General Guzmán had done so more than a month previously, and the Government in reply confirmed his original instructions and approved his action in the fulfillment of the same. He addressed himself again to Lord Salisbury and invoked the arguments he had repeatedly presented before, proving that the clause on arbitration applicable to all kinds of disagreements was already a right acquired by Venezuela, which Great Britain was bound to respect. His representations, however, were utterly fruitless.

On the 19th of July, 1886, the day of his return to Venezuela being then near, he ventured to write again to Lord Rosebery, Lord Salisbury's successor, manifesting his natural desire not to quit the country without settling the questions he had been negotiating ever since his arrival in London, by the middle of 1884. On the 20th of the same month, Lord Rosebery replied :

"I am anxious to profit by your permanence in Europe for the purpose of making every effort to come to an understand-

ing with you about the questions which are matter of dispute between our respective countries, and in conformity with the offer I made in my note of the 23d of last month. I send you now a memorandum of the bases according to which I should be disposed to enter into negotiations. ”

“ I. BOUNDARY.

“It is proposed that the two Governments shall agree upon considering as territory disputed between the two countries the land situated between the two boundary lines indicated, respectively, in the eighth paragraph of Senor Rojas’s note of February 21st, 1881, and Lord Gransville’s note of September 15th, 1881, and to draw a dividing line within the limits of this territory, either by arbitration or by a mixed commission, on the principle of equal division of said territory, and in due regard to natural boundaries. The Government of Her Majesty give especial importance to the possession of the River Guaima by British Guiana, and wish, therefore, to make the stipulation that the boundary line is to begin at the coast point, and a proper compensation to be found in any other part of the disputed territory for this deviation from the principle of equal division. In connection with the boundary there shall be considered the cession of the Island of Patos to Venezuela.

“The River Orinoco shall be entirely free to commerce and navigation.

“ II. TREATY OF COMMERCE.

“It will likewise be convenient to add in the treaty the clause ‘by arbitration’ proposed by Venezuela, limited to those differences that may arise after the treaty is signed, with exclusion of the questions of the boundary and the Island of Patos, which the Government of Her Majesty is ready to consider separately in the manner indicated before.

“ III. DIFFERENTIAL DUTIES.”

.....
The distribution of the bases set forth in the foregoing

memorandum shows that Lord Rosebery again considered separately the three parts of the negotiation, in order to apply to each a different method, and that as regards arbitration, he only accepted it on condition that it was restricted, in the treaty of commerce, to the ordinary prescriptions of such treaties, and, in the controversy on boundaries, to the new division of the territory in dispute proposed by himself. He thus rather lessened the probability of soon reaching the longed-for end of the question, since, according to the constitution of Venezuela, the clause on general arbitration was a necessary provision embracing all treaties of amity, commerce, and navigation, as well as the settlement of the boundary question ; and so it was explained at length by General Guzman in the memorandum which, in turn, he sent to Lord Rosebery, in conjunction with his communication of July 29th, 1886. And if it be stated that the present proposal was more unfavorable than others already rejected by Venezuela, it will be acknowledged that she was justified in disregarding it, as she did. Thus ended the third negotiation so eagerly solicited by Great Britain and willingly met by Venezuela.

Furthermore, when the two Governments sought in London to adjust their contention in peace and amity, British officers, both civil and naval, commissioned by the Governor of British Guiana, appeared at the mouth of the Orinoco river, on board the steamship "Lady Langden." They sailed up stream without a pilot, the Venezuelan authorities having declined to give them one ; they made incursions into places that had always belonged to Venezuela ; they planted posts, fixed placards, declaring British laws in vigor, appointed officers of their own nationality as substitutes for those of the Republic or endeavored to allure them into their service, and finally took one of them away under pretext that he had illtreated a Portuguese subject, and caused him to be tried and punished by a court of justice at Demerara.

The placards read thus :

"GOVERNMENT NOTICE.

"Notice is hereby given that any persons infringing the

right of Her Majesty, or acting in contravention of the laws of British Guiana, will be prosecuted according to law.

“ By command,

“ FRANCIS VILLIERS,
“ Acting Government Secretary.

“ Georgetown, Demerara, &c. ”

One Mr. Michael McTurk, entitling himself acting special Magistrate and Superintendent of the Crown-lands and forests in the Pomaron district, had been at Amacuro, Barima, Morajua, and Guaima. He had posted similar announcements, in English, at the principal places along these rivers, which he had revisited on different occasions, in performance of his duties as Magistrate in charge of the District whereof they were parts.

In September, 1883, the Executive of Venezuela had concluded a treaty, approved by Congress in May, 1884, granting to Mr. Cyrinius C. Fitzgerald (Manoa Company) the exclusive right to colonize with such national lands as were included within a tract which, on the side of the Orinoco river, extended as far as the boundary line with British Guiana, along the mountains of Imataca, and there to develop agriculture and cattle-breeding as well as any resource contained in the soil. Now, the acting Governor Secretary of Demerara had written to Mr. Fitzgerald, on the 25th of October, 1884, what I here transcribe :

“ I am directed by His Excellency, the Governor of British Guiana, to acknowledge receipt of your three letters noted in the margin with reference and transmitting documents respecting the Manoa Company and the concession made by the Venezuelan Government, and to convey to you the expression of His Excellency's thanks for the information and the documents supplied.

“ With regard to the British Guiana boundary, I am directed by His Excellency to intimate to you that the Colonial Government exercises authority and jurisdiction within the limits laid down in the accompanying map, starting from the right bank of the Amacuro river, and that within these limits

the Colonial Government enforce the law of British Guiana.

"I am further to intimate to you that any person disregarding or acting in contravention of the laws of British Guiana within these limits will be liable to be prosecuted according to the laws of the Colony.

"The whole of the territory therefore between the Amacuro and Moruca rivers is part of the Colony of British Guiana, and the Colonial Government will maintain jurisdiction over this territory and prevent the rights of Her Majesty or of the inhabitants of the Colony being in any way infringed."

And in two letters, dated November 22d, 1884, the afore-said Mr. McTurk had declared to Señor Tomas A. Kelly, Administrator and President of the Manoa Company, who purposed to set up a sawing-machine at the mouth of the Barima river:

"I deem it my duty as the officer now in charge of the Pomeroon river judicial district, and which district extends to the limits of the Colony on its Venezuelan or western side, to notify you that the Barima river is in the county of Essequibo and Colony of British Guiana, and forms parts of the judicial district, over which I exercise jurisdiction.

"No settlements of any kind, whether for the purpose of trade or any other purposes, can be made within the limits of the Colony unless in accordance with its existing laws, and those that may become resident therein will be required to obey them."

.
 "I have the honor to inform you that you are now within the limits of the Colony of British Guiana and those of the district under my jurisdiction, as one of the special magistrates and Superintendent of Crown-lands and forests of this Colony, and therefore you are outside your jurisdiction as a functionary of Venezuela. . . . Whatever notification you should make to the inhabitants will be void, and all persons residing in this or any part of this Colony, or visiting it, will have to conduct themselves in accordance with its laws. I must likewise call your attention to the notifications put upon trees on

the banks of this river, as also on the Rivers Waini and Barima. These notifications were fixed where they are by order of the Government of British Guiana."

The British Legation at Caracas had, on its part, made similar warnings with regard to the Manoa Company. They were, however, more deferent to the rights of Venezuela, as shown in the note it addressed to the Department of Foreign Affairs on the 8th of January, 1885:

"In a dispatch dated London the 28th of November, I am directed by Her Majesty's Government to attract the attention of that of Venezuela to the proceedings of the agents of the Manoa Company in certain districts, the sovereignty of which is equally claimed by Her Majesty's Government and that of Venezuela.

"Earl Granville further instructed me to request the Venezuelan Government to take steps to prevent the agents of the Manoa Company or of Mr. H. Gordon, who has also a concession for colonization from the Venezuelan Government, from asserting claims to or interfering with any of the territory claimed by Great Britain.

"Her Majesty's Government, in the event of that of Venezuela declining to move in this matter, would, to their great regret, feel themselves under the necessity of adopting measures for preventing the encroachment of the Manoa Company, and the Governor of British Guiana would even be instructed to employ an adequate police force for the prevention of such encroachment and maintenance of order.

"Lord Granville goes on to inform me, however, that no steps will be taken by the Governor of British Guiana pending this reference to the Venezuelan Government.

"I need hardly remind Your Excellency that the question of the boundary of British Guiana is one of long standing, and that communications upon the subject are at the present moment taking place between Her Majesty's Government and the Venezuelan Minister in London, and it is therefore all the more important that incidents calculated to cause grave inconvenience should be prevented. The territories, irrespective

of those disputed by Venezuela and Great Britain, conceded to the Manoa Company are enormous in extent; but without entering into that portion of the question, I feel certain that his Excellency, the President of the Republic, will duly appreciate the immense importance of obviating the possibility of any collision between the agents of that company and the British authorities in the territories the sovereignty of which is still a disputed question."

Posts had been set up along the eastern bank of the Amacuro river and on other spots as far back as the 11th of October, 1884, in pursuance of orders issued by the Governor of British Guiana, but Her Majesty's Minister did not give any notice of the fact to the Minister of Foreign Relations until the 26th of January, 1885, when the Venezuelan authorities in Guiana had already ordered their removal in evidence that Venezuela did not acquiesce to their significance of British dominion.

A like occurrence had taken place in regard to the pledge he gave in his note of January 8th, 1885, that the Governor of British Guiana would take no action against the proceedings of the Manoa Company or of Mr. W. Gordon's agents, so long as the petition he addressed to the Venezuelan Government in the same note remain undecided. Indeed, when he offered the above assurance, the measures of the British Government to which he adverted had been already executed.

The British Legation had also notified the Government, on the 26th of the same month, that the Governor of British Guiana had been instructed to send Mr. McTurk, Stipendiary Magistrate, to the eastern bank of the Amacuro river, with the purpose of investigating the conduct of the Manoa Company and especially that of Mr. Roberto Wells, Civil Commissary of Delta Territory, and others. Coincident with this advice, a Commission of English officers had entered the Amacuro and had carried away the Venezuelan Commissary under arrest.

The Department of Foreign Affairs of Venezuela had maintained that, according to the contract with the Manoa Com-

pany, the words "as far as British Guiana," did not purport that the bounds of the concession reached beyond the territory in dispute. It had expressed to the Minister of Great Britain its deep surprise on receiving intelligence of the events of Amacuro, and had finally urged the adoption of such measures as might retrieve those proceedings and bring matters back to the extant *status quo*, according to which neither nation could exercise jurisdiction over any portion of the territory in contest.

In the note he addressed in London to Lord Rosebery, dated the 28th of July, 1886, General Guzmaz Blanco earnestly propounded, in the name of his Government, the just complaints of the Republic for the successive recent violations of the national territory and acts against Venezuelan jurisdiction that had been committed. He closed his note with the following demands:

1. Removal of all the marks of sovereignty that had been placed on the disputed lands by direction of the Governor of British Guiana.

2. Recall of the officers and public forces that might have been posted on those lands.

3. Satisfactory explanations concerning the non-fulfillment of the convention proposed to Venezuela by Great Britain and concerning the violation of the laws of the Republic in regard to ports not open to foreign vessels.

4. Annulment of the action brought against Mr. Roberto Wells, his liberty and indemnification for the damages that had been caused him by his arrest, imprisonment, trial, and punishment for imputation of an offence committed in Venezuelan territory.

5. Complete restoration of affairs to their State in 1850, date of the aforesaid agreement, and strict orders to the Governor of British Guiana, enjoining the careful observance of it pending the settlement of the boundary question by the two Governments.

Great Britain not having done anything towards giving satisfaction to Venezuela, the Minister of Foreign Affairs wrote

to Mr. F. R. Saint John, Her Britannic Majesty's Resident Minister, a note dated at Caracas, the 7th of December, 1886, to the following tenor:

"In accordance with the order of the President of the Republic, as the result of the Conference we held with him yesterday, I have the honor of addressing Your Excellency and stating in substance what he then expressed.

"He said that his attention had been seriously called to the grave character of the intelligence received as to occurrences taking place, it is affirmed, in Guiana in regard to its boundary with British Guiana. He remembered the agreement concluded in 1850 by an interchange of notes between the two Governments on a spontaneous proposal of the British Government, and upon the ground of information sent from Ciudad Bolivar by Vice-Consul Mathison to Mr. Wilson, Chargé d'Affaires at Caracas, respecting the transmission of orders to the authorities of the province of Guiana to put the same in a state of defence and to repair and arm the dismantled forts, and the language used by Governor José Tomás Machado as to the erection of a fort at the Barima Point; and on account also of a rumor spread to the effect that Great Britain intended to claim the province of Venezuelan Guiana. Besides giving it the lie by affirming that not only was it destitute of any foundation, but also that it was precisely the reverse of the truth, Mr. Wilson declared, in the name of his Government, that the latter had no intention to occupy or encroach upon the territory in dispute, and that they would not ordain or sanction such occupation or encroachments on the part of British authorities. At the same time he requested and obtained from the Government of the Republic analogous declarations. She has kept such an agreement by preserving the *status quo*, while Great Britain has infringed it since. Besides the acts of jurisdiction consummated from 1884, it has been ascertained that she has just now in the channels formed by the rivers Amacuro and Barima, about which there has been no question before, a commissary provided with two vessels containing arms and policemen, who levies taxes and pro-

hibits persons going there on mercantile business from carrying out their operations; that she has had built a Government house on which the British flag has been and is constantly hoisted; that a church and school-houses are being constructed; that in October last a small war steamer was there; that a revenue-cutter often runs on the track between Amacuro and Barima, and that they have begun to form on the same spot an agricultural Colony.

“Even in the denied assumption that those places were a part of the disputed territory, Great Britain might not have occupied them without violating the above compact. And if, in spite of everything, she occupies them, with still greater reason they should be reoccupied by Venezuela, relieved as she is from any obligation on the ground of its infraction by the other contracting party, and being, as she is, fully conscious of her undebatable right of property.

“The President said likewise that the concessions to the Manoa Company could not have given to Great Britain a just ground of complaint as, according to their unequivocal terms, they only extended as far as ‘British Guiana’; that is to say, as far as points not contentious, and, moreover, that the contract on the subject had expired.

“On the above statement, and on the strength of an application made by the British Legation, with the utmost instance, in an official note to this ministry, on May 26th, 1836, for the erection of a beacon at the Barima Point, thus recognizing *motu proprio* the incontestable sovereignty of Venezuela over the same, the President added that he was going to send there an engineer instructed to erect the beacon, and new officers to exercise authority for the Republic in said place and in those lying between the rivers Barima and Amacuro, and to notify to the foreign occupants their withdrawal from them. And he ended by saying that if the Government of Her Britannic Majesty would occupy such a point as Barima, the possession of which would render them joint proprietors of the Orinoco, and decide in this manner by themselves and in their favor this, for Venezuela, the most grave question, wresting from

her by force the exclusive domain of that river and presenting thus to her an indubitable *casus belli*, he should be compelled, by the requirements of patriotism and by his high duties as the guardian of the territorial integrity of Venezuela, to break up the relations between the two countries.

“The President has instructed me to write this note in order that Your Excellency may communicate to me the information and antecedents you may know of in regard to so unheard of and almost incredible occurrences.

Mr. Saint John replied that, since the President, before resorting to the occupancy of a portion of the disputed territory, had refused to await the result of the notification of his purpose to the British Government, he did not see what could be gained by assenting to his petition or by persevering in the discussion. In order to avoid error, however, he would remark in connection with two of the points treated in the communication of the Minister of Foreign Relations, that, in the first place, the territory between the Barima and Amacuro rivers, which, according to the assertion contained in that communication, was only now claimed by Her British Majesty's Government, had been already mentioned in Lord Aberdeen's note to Mr. Fortique, dated the 30th of May, 1844, as a part of British Guiana; secondly, that the petition addressed to the Venezuelan Government on the 26th of May, 1836, by the British Agent at Caracas, respecting the erection of a lighthouse at Punta Barima, had been made without the knowledge or authorization of the British Government, to whom the Agent did not even notify such petition; and ultimately, that the doctrine assuming that every act or word of a diplomatic agent binds his Government is utterly incompatible with international law, it being perfectly recognized that not even a formal treaty concluded and signed by a plenipotentiary is valid unless it be duly ratified by his Government.”

In reference to the two points in question the minister of Foreign Relations replied, on the 8th of January, 1887, in this manner:

“Venezuela has never admitted, neither will she ever ad-

mit, that Dutch Guiana bounds upon the Orinoco; and this is proved by the text of the note with which Señor Fortique opened the negotiation on limits, by the previous ones in which he demanded the removal of the flags, posts, and marks placed at Barima and other places by Engineer Schomburgk in 1841, and by the conferences he held on the subject with their Excellencies, the Ministers of Foreign Affairs and of the Colonies. It was precisely the placing of these marks of foreign dominion at the places mentioned, to which Great Britain had no right, that created such a sensation in Venezuela, and caused the sending of Messrs. Lic. José Santiago Rodriguez and Juan José Romero to Demerara, in the character of commissioners, to demand an explanation of those surprising facts. In a note dated the 11th of December, 1841, Lord Aberdeen wrote to Señor Fortique that the marks had been placed as a means of preparation by his Government for the discussion of the boundary question with the Government of Venezuela; that they were placed precisely with this object and not, as Venezuela seemed to fear, with the intention of indicating dominion or empire on the part of Great Britain. Lord Aberdeen added that he had learned with pleasure that the two commissioners sent by the Republic had been able to ascertain, through the information given them by the Governor of said Colony, that Point Barima had not been occupied by the English authorities.

“The usurpations which Spain made legal by the Münster Treaty were those concerning the Colonies of Essequibo, Demerara, Berbice, and Surinam, and were afterwards confirmed by the extradition treaty made at Aranjuez, in which your Excellency may see that the Dutch Colonies of Essequibo, Demerara, Berbice, and Surinam, together with Curaçoa, and Saint Eustace, are mentioned in juxtaposition with the Spanish Colonies of the Orinoco, Coro, and Porto Rico. Of these Colonies the Netherlands transferred to His Britannic Majesty by the London Treaty of the 13th of August, 1814, those of Essequibo, Demerara, and Berbice. Whence comes, then, the right of England over the Spanish Colonies of the Orinoco?”

"The second remark made by your Excellency is to the effect that the British agent in Caracas, that is, Sir Robert Ker Porter, who in 1836, was the *Chargé d'Affaires* in this Republic, requested from this Government the erection of a lighthouse at Point Barima, without the knowledge or the consent of his Government; and your Excellency adds, quoting a note from the British Legation to this department, dated on the 26th of September, 1851, that the doctrine that all acts or words of a diplomatic agent bind his Government, is incompatible with international law, it being a well known fact that not even a treaty made by a plenipotentiary is valid unless ratified by his Government.

"On these points the President has instructed me to state that the Government of Venezuela cannot admit that after the long period of fifty years has elapsed since the date of Sir Robert's communication, the British Government having been informed by him or his successors of the step he took, should not have apprised that of Venezuela of the lack of authorization which your Excellency, on account of what has happened, communicates to-day for the first time, after fifty years have elapsed, and which nothing could make this Government presume upon."

The correspondence passed between the Minister of Foreign Affairs and the British Legation at Caracas, of which the preceding extracts have been offered, was sent to the Department of State by Sr. J. A. Olavvaria, in two pamphlets printed in English, along with his notes of May 4th and 21st, 1887. It closed with the rupture of diplomatic relations between Venezuela and Great Britain, on the 20th of February of the same year.

The report of the Commission sent to the Orinoco in 1886, by the Venezuelan Government, had confirmed all the previous advices regarding the extensive occupation of territory and acts of sovereignty that Great Britain had accomplished in Guiana in detriment of the rights of Venezuela, while the two nations were negotiating in Europe a treaty of amity, in-

cluding a clause of arbitration, for the settlement of their boundary controversy.

In reply to the note of January 5th, 1887, to which the Venezuelan Consul at Demerara annexed another from the members of the aforesaid Commission, stating the object of their visit to British Guiana, the Government of the Colony had referred to the notice published in the *London Gazette*, under date of 21st of October, 1886, and had manifested that the Districts mentioned in the official communication of the Venezuelan Commissioners were comprised within the bounds which that notice established, and formed part of the Colony of British Guiana. In fact, the notice, which Mr. Charles Bruce, Secretary of the Government of Demerara, certified to have been copied from the *London Gazette* of October 21, 1886, runs thus:

“COLONIAL OFFICE, DOWNING STREET.

October 21, 1886. ‘

“WHEREAS, The boundary line between Her Majesty’s Colony of British Guiana and the Republic of Venezuela is in dispute between Her Majesty’s Government and the Government of Venezuela; and whereas, it has come to the knowledge of Her Majesty’s Government that grants of land within the territory claimed by Her Majesty’s Government, as part of the said colony, have been made or purport to have been made, by or in the name of the Government of Venezuela, notice is hereby given that no title to land, or to any right in or over or affecting any land, within the territory claimed by Her Majesty’s Government as forming part of the colony of British Guiana, purporting to be derived from or through the Government of Venezuela, or any office or person authorized by that Government, will be admitted or recognized by Her Majesty or by the Government of British Guiana, and that any person taking possession of or exercising any right over any such land under color of any such title or pretended title will be liable to be treated as a trespasser under the laws of the said colony.

“A map showing the boundary between British Guiana and Venezuela, claimed by Her Majesty’s Government, can-

be seen in the library of the Colonial Office, Downing Street, or at the office of the Government Secretary, Georgetown, British Guiana."

Of course the boundary laid down in that map was not the Essequibo river, which Venezuela, supported by the treaties of Münster (1648), Aranjuez (1791), London (1814), and Madrid (1845), had always claimed to be the eastern line dividing her from British Guiana.

Neither was it the Pomeron River, which Great Britain had adopted *motu proprio* until 1844;

Nor the Moroco, proposed by Lord Aberdeen in 1844;

Nor Lord Granville's line, in 1881, which started 29 miles east of the eastern bank of the Barima River;

Nor Lord Rosebery's, in 1886, beginning on the coast, west of the Guaima river.

It was nothing short of the limit capriciously indicated by Engineer Schomburgk, in 1841, which Lord Aberdeen had then considered to be exaggerated and of mere convenience so far as the Cuyuni river was concerned, its marks having been removed by order of Her Britannic Majesty's Government by way of satisfaction to the complaints of Venezuela.

The same limit that Great Britain and Venezuela, by the agreement of 1850, had mutually engaged not to occupy or encroach upon, nor to allow it to be occupied or encroached upon by their respective authorities.

The same referred to in the Report No. 2 of the Department of Agriculture of the United States for the year 1892 (Report on the Agriculture of South America, with maps and latest statistics of trade), in the following terms:

"It ought to be noted, perhaps, that the British authority, known as The Statesman's Year Book for 1885, gives the area of British Guiana, bounding Venezuela on the east, as 76,000, and that the same annual for 1886 gives the area as 109,000 square miles, an increase during the year of 33,000 square miles to European possessions in America, and an equal loss to the Republic of Venezuela, so far unaccounted for by treaty or recognized conquest, and claimed by the latter

country to be against her hitherto unbroken and undisputed right of possession acknowledged in the treaty of Münster, 1648, the definitive treaty of Aranjuez, 1791, and the treaty of London, 1814, which conferred what is now British Guiana upon Great Britain with the Essequibo as its permanent western boundary."

With a view to include that increase of 33,000 square miles within the bounds of British Guiana, the *Court of Policy* had sanctioned a new territorial division, in July, 1886, reforming that of 1863 in vigor until then. The act reads thus:

"Registration division No. 1, to compromise the settlements on the Moruca, Waini, and Barima rivers, and their tributaries, the right bank of the Amacuro river and its tributaries on that bank, and all the country lying between the above-named rivers and as far back as the limits of the colony extend."

According to the ordinance of 1868, the legal boundary of the Colony, ever since the beginning of the controversy in 1841, did not extend beyond the Pomaron river.

The country inclosed between the Pomaron and Barima rivers and Punta Barima was the principal object of the dispute between the two States. Neither could take possession of it or occupy it so long as the difficulty subsisted, especially so Great Britain, after the agreement of 1850, which she had proposed herself. Nevertheless, she had gradually occupied the whole territory and had subjected it to her exclusive domain, by reason of its being under litigation, at the same time that in London she baffled the expectations of Venezuela and her exertions to bring about the final arrangement of the question by arbitration. She had twice declined to evacuate the land and retire back to the Pomaron.

Offended at the double refusal of Great Britain to submit the difference to arbitrament, Venezuela, deprived by her material weakness of every immediate and efficient means of obtaining justice, determined, as before said, to suspend her diplomatic relations with Great Britain and "to protest before Her British Majesty's Government, before all civilized

nations, and before the world in general, against the acts of spoliation committed to her detriment by the Government of Great Britain, which she at no time and on no account will recognize as capable of altering in the least the rights which she has inherited from Spain, and respecting which she will ever be willing to submit to the decision of a third power."

General Guzmán Blanco, the last negotiator for the Republic in England, had been again elected to the Presidency of Venezuela. In order to close this period of the controversy. I present here the account of General Guzmán's mission and of the subsequent acts of the Government he headed, until the relations with Great Britain were severed, as given in his Message to Congress in 1887:

"The Guiana boundary question has taken so grave a turn that it is with deep regret that I must speak to you about our relations with Great Britain.

"While in London in the character of Minister of Venezuela, I discussed our three questions with Her British Majesty's Government, namely, diplomatic claims, differential duties relating to the British Antilles and the Guiana boundaries.

"It may be said that the first one was finally settled; as for the other two, they were included in a project of a new treaty in substitution for the present one, which has been extant 58 years, because of the inconceivable interpretation of perpetuity imposed upon us by England, under color that no date was established in it for its expiration.

"After a year's discussion, the project of a new treaty was agreed upon with Lord Granville, then Minister of Foreign Affairs. The taxes on the British West Indies were made equal to those of the metropolis; arbitration was accepted by both parties as the only means of settling such questions as could not be adjusted by common accord, and a period of ten years was fixed, after which it would rest with each of the parties to denounce the treaty.

"This, however, was not signed, as the clause of the most favored nation was required from us in an absolute way, and Venezuela could enter into no engagement with other ends or

on other terms than those stipulated with the other friendly Nations.

“This difference might have been easily surmounted, for England maintained the same pretension respecting the United States of America, and finally withdrew it because the latter Nation alleged the same reasons that we have alleged.”

“So, then, the Treaty with Great Britain was well-nigh being signed, when Lord Salisbury’s Ministry came into office and categorically declined to conclude the negotiation on the same terms on which it had been conducted by his predecessor, notwithstanding my remark that in the question between Afghanistan and Russia the agreement negotiated by his predecessor had been signed, and that the Marquis of Salisbury himself had just said in Parliament that he had signed it because it was unworthy of a serious Government to retract their word when once given; which afforded me the opportunity to maintain that, the case with the negotiation of Venezuela being the same as that of Russia, we had a right to be treated in the same way, unless Great Britain applied one jurisprudence to Russia and a different one to Venezuela, of which I should much regret to notify my Government.

“The last month of my delay in Europe was due to the circumstance that the Minister, Lord Rosebery, requested a last effort on my part in order to settle in two or three more weeks this important negotiation. The time having expired without any fruit, because the Minister did not accept the arbitrament and demanded the Guaima river, tributary to the Orinoco, I took my leave in a note, wherein it was stated, in substance, that Venezuela had accredited me with the most ample powers to bring the three questions at issue to a definitive end; that the question concerning the course to be followed for the payment of the diplomatic claims being almost settled, the other two were comprehended in the new Treaty intended to replace the present one, no longer possible after fifty-eight years of existence, in which the period of its duration was not determined, according to the same treaty; that unfortunately during the two years elapsed no adjustment could be reached

in regard to the treaty solving the difficulty of the differential duties on the British West Indies and that of the Guiana boundaries, the latter to be decided by arbitration, the only available means for Venezuela, since our Constitution prohibits the alienation of territory and establishes our limit on the Essequibo river, which was the one held by Spain, whose territorial rights Venezuela inherited; and that, it being necessary to entrust the discussion of the question to a man thoroughly familiar with the voluminous archives embracing it, the study of which requires a long time, and it having been agreed moreover, that the three questions at issue should be resolved, it was urgent to suspend for the present time the negotiations which had occupied our attention.

“Instead of replying to this note, the British Government, doubtlessly because they were told that our boundary reached as far as the Essequibo, has discontinued the discussion and, by decree, has taken possession of and occupied the territory, not only along the Pomaron, but as far as Punta Barima and Amacuro, thus dispossessing us of the exclusive dominion over the Orinoco, the great artery on the north of the Continent, the Mississippi river of South America.

“In view of this condition of affairs, what could I do? Could I inform the Congress of my country that a foreign power had occupied part of our territory, without adding that I had protested in the name of the Nation and severed diplomatic relations with a Government that acts in such a way towards us?

“On the 26th of January of the present year, I demanded the evacuation of the territory as far as the Pomaron river.

“On the 31st of January, Her Britannic Majesty’s Minister sent his reply confirming the occupancy to a certain extent.

“I answered him under the same date, that contrary to the agreement of the 18th of November, 1850, establishing that neither Venezuela nor Great Britain should exercise jurisdiction over the country lying west of the Pomaron river, England had occupied the said territory and its rivers as far as the mouth of the Orinoco, thus infringing the agreement and com-

pleting the despoliation; and that, in consequence thereof, Venezuela would discontinue her diplomatic relations with Great Britain and raise a most solemn protest against so grievous a despoliation, if the state of affairs was not brought back to what it was in 1850, before the date for the constitutional meeting of Congress, or if the submission to arbitration of the Guiana boundary question was not assented to, in accordance with our Constitution, and with the sound criterion of civilized people.

“This was done on the 21st of last month, at 4 o’clock P. M., but Her Britannic Majesty’s Minister has not yet asked for his passport.

“At any rate, honor is at stake and its fate will be that of the Nation.”

Anticipating the impending rupture between Venezuela and Great Britain, the Hon. Mr. Bayard, desirous to avert it, had offered the British Government in December, 1886, the co-operation of the United States as arbiters for the adjustment of the difference.

“It does not appear,” said the Honorable Secretary of State on that occasion, “that at any time heretofore the good offices of this Government have been actually tendered to avert a rupture between Great Britain and Venezuela. As intimated in my No. 58, our inaction in this regard would seem to be due to the reluctance of Venezuela to have the Government of the United States take any steps having relation to the action of the British Government which might, in appearance even, prejudice the resort to our arbitration or mediation, which Venezuela desired. Nevertheless, the records abundantly testify our friendly concern in the adjustment of the dispute; and the intelligence now received warrants me in tendering, through you, to Her Majesty’s Government, the good offices of the United States to promote an amicable settlement of the respective claims of Great Britain and Venezuela in the premises. As proof of the impartiality with which we view the question, we offer our arbitration, if acceptable, to both

countries. We do this with the less hesitancy as the dispute turns upon simple and readily ascertainable historical facts.

“Her Majesty’s Government will readily understand that this attitude of friendly neutrality and entire impartiality touching the merits of the controversy, consisting wholly in a difference of facts between our friends and neighbors, is entirely consistent and compatible with the sense of responsibility that rests upon the United States in relation to the South American Republics. The doctrines we announced two generations ago, at the instance and with the cordial support and approval of the British Government, have lost none of their force or importance in the progress of time, and the Governments of Great Britain and the United States are equally interested in conserving a status the wisdom of which has been demonstrated by the experience of more than half a century.

“It is proper, therefore, that you should convey to Lord Iddesleigh, in such sufficiently guarded terms as your discretion may dictate, the satisfaction that would be felt by the Government of the United States in perceiving that its wishes in this regard were permitted to have influence with Her Majesty’s Government.” (The Hon. Mr. Bayard to Mr. Phelps. Confidential. 30th of December, 1886.)

England declined the offer on the following grounds:

“Her Majesty’s Government fully appreciates the friendly feelings which have prompted your Government to offer their mediation in this matter.

“The attitude, however, which General Guzmán Blanco has now taken up in regard to the questions at issue precludes Her Majesty’s Government from submitting those questions at the present moment to the arbitration of any third power.

“An offer to mediate in the questions at issue between this country and Venezuela has already been received by Her Majesty’s Government from another quarter, and has been declined on the same grounds.

“I beg that you will convey to the Secretary of State the cordial thanks of the Queen’s Government for your communi-

cation, and that you will inform him that they have not yet abandoned all hope of a settlement by direct diplomatic negotiations with Venezuela." (Lord Salisbury to Mr. Phelps. 22d of February, 1887.)

On the 11th of March the *Times* of London published an abstract of the *Report of Parliamentary Papers* of the preceding day, relating to the suspension of relations with Venezuela. It said:

"Mr. Staveland Hill asked the Under Secretary of State for Foreign Affairs whether, considering the increasing importance of the subject and the breach of diplomatic relations between this country and Venezuela, Her Majesty's Government would consider the advisability of sending a commission to settle the boundary between British Guiana and Venezuela.

"Sir J. Fergusson: Her Majesty's Government have every wish to arrive at a settlement of the boundary question, but no such steps as that suggested can be taken so long as the Venezuelan Government maintains the suspension of diplomatic relations with this country."

His mission in Venezuela being now at an end, the British Minister sailed, with his family, from La Guayra for Trinidad, on the 14th of March. Great Britain remained in possession of the contested territory as far as the mouth of the Orinoco River. She had declined the mediation of the United States and that of another power, and the offices of the former, as arbiters, for the settlement of the controversy, when she still held amicable relations with Venezuela, and now she refused to take the steps pursuant to an agreement because of the cessation of those relations by the action of Venezuela.

Certain British men-of-war, which, since the latter part of February, had been permanently seen in the Gulf of Paria, withdrew also from the Venezuelan coast in the subsequent month of June, while the Governor of Demerara declared before the Colonial Assembly that England would not guarantee any protection or compensation in case the boundary question should be decided in favor of Venezuela. This, together with the news in circulation that one Mr. Hill would soon arrive at

Caracas, in the capacity of a Commissioner, for the purpose of discussing the matter, created the belief that Great Britain had quitted her former position, and that the ties between the two countries were likely to be soon re-established. But the belief proved to be a vain one ; it lasted only a moment.

After a short while Great Britain was seen to prosecute with renewed activity the process of her invasions, her claims including this time the rich territory of Yuruari, the great mining district of Venezuela. On the 29th of November a motion was introduced in the Legislature of Demerara authorizing the construction of a railroad extending to the boundaries of the Colony, across the Mazaruni and Cuyuni rivers, within which boundaries, as alleged by the Queen's Attorney, the said District of Yuruari was comprised. And a month later the Governor issued the following proclamation :

“BRITISH GUIANA.

“By his Excellency, Charles Bruce, esquire, companion of the Most Distinguished Order of St. Michael and St. George, Lieutenant-Governor and Commander-in-Chief in and over the Colony of British Guiana, Vice-Admiral and Ordinary of the same, etc.

“Whereas, It has come to the knowledge of the Government of British Guiana that certain concessions have been granted by the President and by and with the sanction of the Government of the United States of Venezuela, purporting to give and grant certain rights and privileges for constructing a railway to Guacipati, and in and over certain territories and lands within and forming part of the Colony of British Guiana;

“Now, therefore, I do hereby intimate to all whom it may concern that no alleged rights purporting to be claimed under any such concession will be recognized within the said Colony of British Guiana, and that all persons found trespassing on or occupying the lands of the Colony without the authority of the Government of this Colony will be dealt with as the law directs.

“ Given under my hand and the public seal of the Colony, Georgetown, Demerara, this 31st day of December, 1887, and in the fifty-first year of Her Majesty’s reign. God save the Queen.

“ By His Excellency’s command.

“ GEORGE MELVILLE,

“ Acting Government Secretary.

It was to this new and exorbitant pretension that the Hon. Mr. Bayard adverted in the note from which the following passages are quoted:

“ The claim now stated to have been put forth by the authorities of British Guiana necessarily gives rise to grave disquietude, and creates an apprehension that the territorial claim does not follow historical traditions or evidence, but is apparently indefinite. At no time hitherto does it appear that the district, of which Guacipati is the center, has been claimed as British territory or that such jurisdiction has ever been asserted over its inhabitants, and if the reported decree of the Governor of British Guiana be indeed genuine, it is not apparent how any line of railway from Ciudad Bolivar to Guacipati could enter or traverse territory within the control of Great Britain.

“ It is true that the line claimed by Great Britain as the western boundary of British Guiana is uncertain and vague. It is only necessary to examine the British Colonial office list for a few years back to perceive this. In the issue for 1877, for instance, the line runs nearly southwardly from the mouth of the Amacuro to the junction of the Cotinga and Takutu rivers. In the issue for 1887, ten years later, it makes a wide detour to the westward, following the Yuruari. Guacipati lies considerably to the westward of the line officially claimed in 1887; and it may perhaps be instructive to compare with it the map which doubtless will be found in the colonial office list for the present year.

“ It may be well for you to express anew to Lord Salisbury the great gratification it would afford this Government to see

the Venezuelan dispute amicably and honorably settled by arbitration or otherwise, and our readiness to do anything we properly can to assist in that end.

“In course of your conversation you may refer to the publication in the London *Financier* of January 24th (a copy of which you can procure and exhibit to Lord Salisbury), and express apprehension lest the widening pretensions of British Guiana to possess territory over which Venezuelan jurisdiction has never heretofore been disputed may not diminish the chances for a practical settlement.

“If, indeed, it should appear that there is no fixed limit to the British boundary claim, our good disposition to aid in a settlement might not only be defeated, but be obliged to give place to a feeling of grave concern.” (Mr. Bayard to Mr. Phelps, 17th of February, 1888.)

Subsequently to the proclamation of the Governor of Demerara a force was sent off to take possession of the new territories and lands, and several projects were presented for the construction of a road to Yuruari, which was never executed, and of railway and telegraphic communications with the mines.

In June, 1888, while the Republic, through her Representative in Europe, was negotiating in a confidential way the preliminaries to the reinstatement of the question on a diplomatic ground and to the re-establishment of harmony with Great Britain, the Government of British Guiana decreed the creation of one more colonial district, under the name of Northeast District, within the compass of which was included the Venezuelan territory of Barima. Officers were also appointed for its permanent occupancy and the collection of taxes, and the sum of \$10,000 was appropriated for administration expenses, etc.

The report of the Department of Agriculture of the United States, previously mentioned, shows that the acquisitions of land in Guiana in detriment of the Venezuelan territory amounted to an area of 33,000 square miles only in the year of 1885 and 1886. The increase of English possessions can

be estimated in view of the extent of the appropriations from 1884 to 1885, and of those effected after 1886, previously to the last decree of the Governor of Demerara, and at a later period. It will suffice to remember that reliable geographers situated the English Colony between the Corawin and Essequibo rivers at the first quarter of this century; that several of them assigned to it a surface of 50,000 to 60,000 square kilometers, while others considered it to be 65 leagues long by 30 wide, bounded on the Atlantic coast by the mouth of the Corentyn and Cape Nassau; that, according to the allegation of Venezuela, British Guiana, as succeeding Dutch Guiana, possesses only such extent of territory as is limited to the west by the Essequibo river ($58^{\circ} 30'$ longitude west of Greenwich) and by the $4^{\circ} 2'$ and $6^{\circ} 50'$ parallels north latitude, and that, as it appears from the *Map of the Foreign Office List* for 1892, it has now been stretched out to the 62° meridian west longitude, and to the 1° and 9° parallels north latitude.

Venezuela protested against the grievances committed in June, 1888, by the authority and settlers of Demerara, with or without the consent of the British Cabinet, as she had previously done against similar proceedings in 1887; and renewed her protest in October of the same year, 1888, when the advice reached the Department of Foreign Relations that the English had two schooners in Barima, which relieved each other every fortnight; that they prevented the cutting of wood, did not allow the pontoon lighthouse of the Republic to anchor less than a half mile away from the land, and also continued to occupy Amacuro. The Department of State is acquainted with all these formal declarations of Venezuela in defence of her territorial rights ignored by Great Britain.

Great Britain took no heed to such declarations. On the contrary, scarcely had a year elapsed since the last was made, the Government of Demerara took formal possession (proclamation of December 4th, 1889) of the main mouth of the Orinoco, declared the city of Barima to be a British part of the Colony, and established there a police station, thus calling

forth a new protest on the part of Venezuela, on the 16th of December, 1889, which was also communicated in proper time to the Government of the United States, through its Legation at Caracas.

The Department of State was not indifferent to the above mentioned communication; on the contrary, it hastened to authorize Mr. White to confer with Lord Salisbury respecting the re-establishment of diplomatic relations between Great Britain and Venezuela, on the basis of a temporary return to the *status quo*, as suggested by the Venezuelan Minister. (Mr. Blaine to Mr. White, telegram of December 30th, 1889.) And in another telegraphic dispatch of a posterior date it carries still further the offer of its friendly co-operation:

“Mr. Lincoln is instructed to use his good offices with Lord Salisbury to bring about the resumption of diplomatic intercourse between Great Britain and Venezuela as a preliminary step toward the settlement of the boundary dispute by arbitration. The joint proposals of Great Britain and the United States toward Portugal, which have just been brought about, would seem to make the present time propitious for submitting this question to an international arbitration. He is requested to propose to Lord Salisbury, with a view to an accommodation, that informal conference be had in Washington or in London of representatives of the three Powers. In such conference the position of the United States is one solely of impartial friendship toward both litigants.” (Mr. Blaine to Mr. Lincoln. Telegram 1st of May, 1890.)

The instruction contained in the foregoing telegram was confirmed and amplified in a subsequent note, where, after briefly considering the obstruction which the abrupt rupture of diplomatic intercourse with England opposed to the renewal of negotiations on the basis of the *status quo*, and the surrender of the entire question to arbitration, the Honorable Secretary of State goes on to say :

“It is nevertheless desired that you shall do all you can consistently with our attitude of impartial friendliness to induce some accord between the contestants by which the merits of

the controversy may be fairly ascertained and the rights of each party justly confirmed. The neutral position of this Government does not comport with any expression of opinion on the part of this Department as to what these rights are, but it is evident that the shifting footing on which the British boundary question has rested for several years past is an obstacle to such a correct appreciation of the nature and grounds of her claim as would alone warrant the foundation of any opinion. (Mr. Blaine to Mr. Lincoln. 6th of May, 1890.)

The following considerations, among others, were offered by the Marquis of Salisbury:

“Her Majesty’s Government are very sensible of the friendly feelings which have prompted this offer on the part of the United States Government. They are, however, at the present moment in communication with the Venezuelan Minister in Paris, who has been authorized to express the desire of his Government for the renewal of diplomatic relations and to discuss the conditions on which it may be effected.

“The rupture of relations was, as your Government is aware, the act of Venezuela, and Her Majesty’s Government had undoubtedly reason to complain of the manner in which it was effected. But they are quite willing to put this part of the question aside, and their only desire is that the renewal of friendly intercourse should be accompanied by arrangements for the settlement of the several questions at issue.

“I have stated to Señor Urbaneja the terms on which Her Majesty’s Government consider that such a settlement might be made, and am now awaiting the reply of the Venezuelan Government, to whom he has doubtless communicated my proposal.

“Her Majesty’s Government would wish to have the opportunity of examining that reply, and ascertaining what prospect it would afford of an adjustment of existing differences, before considering the expediency of having recourse to the good offices of a third party.

“I may mention that, in so far as regards the frontier between British Guiana and Venezuela, I have informed Señor

Urbaneja of the willingness of Her Majesty's Government to abandon certain portions of the claim which they believe themselves entitled in strict right to make and to submit other portions to arbitration, reserving only that territory as to which they believe their rights admit of no reasonable doubt. If this offer is met by the Venezuelan Government in a corresponding spirit, there should be no insuperable difficulty in arriving at a solution. But public opinion is, unfortunately, much excited on the subject in Venezuela, and the facts of the case are strangely misunderstood." (The Marquis of Salisbury to Mr. Lincoln. 26th of May, 1890.)

Lord Salisbury had, indeed, communicated two memoranda to Señor Urbaneja, one on the 10th of February, and the other on the 19th of March, 1890.

In both it is categorically stated that "Her Majesty's Government cannot accept as satisfactory any arrangement not admitting as English property the territory included within the line laid down by Sir R. Schomburgk."

And in the second of them he further says: "That in order to facilitate an arrangement and in evidence of good-will towards Venezuela, Her Majesty's Government are disposed to relinquish a part of a certain pretension, and that, in regard to the portion of territory not comprised between Schomburgk's line and England's extreme pretensions, they are disposed to submit to the arbitration of a third power."

This last begins at the Mountains of Imataca, opposite to the source of the river bearing the same name, and of the Aquire. It bends to the southwest and extends along the Yuruari river down to the point where Lord Granville's line joins that of Schomburgk, now altered; thence it continues westward until it reaches the confluence of the Yuruari with the Cuyuni; then turns northward along the course of the Yuruari to a certain distance above the town of Nueva Providencia, which it encircles; and embracing the whole of the Avechica river and of the Sierra of Usupamo as far as the spot where the latter runs together with that of Carapo, it skirts the Mountains of Rinocoto up to the source of the Caco

river. To this line a portion of land is to be added, thus bounded: From the spot previously mentioned, opposite to the Aquire and Imataca rivers, it spreads southeasterly to a certain nameless river (perhaps the Paraguayaira); thence to the southwest towards the Cuyuni, the left bank of which it follows as far as the source of the Camarate river, from which it now turns away in a curved direction to reach the origin of the above mentioned Caco river. The part of pretension which she abandoned was that limited by the line which, starting from the vicinity of the mouth of the Amacuro, descends to the southwest as far as the origin of the Yariquita Mountains, proceeds along the ridge of Imataca, to the town of Upata, intersects the Usupamo and Carapo at the place where they flow into the Caroni, and extends along the Carapo and Rinocoto Mountains till it blends with the original line of Schomburgk.

In fine, of the three sections into which Lord Salisbury divided this time the territory in dispute, that which Her Majesty's Government held in possession as exempt from all discussion regarding titles was no other than the portion including Barima, one of the mouths of the Orinoco, precisely the knot of the controversy; the same that had been explored by Sir R. Schomburgk and constantly rejected by Venezuela since 1840, which now appeared considerably altered to the benefit of Great Britain, as it can be seen by comparison with the original line of the same English engineer as figured in the map showing the various boundaries proposed by Venezuela and England until 1890. A copy of this map is in the possession of the Department of State.

Before the reply of Venezuela to the proposals of Lord Salisbury had reached Doctor Urbaneja, Doctor Lucio Pulido arrived at London as his substitute, with the powers of a Plenipotentiary *ad hoc* and Envoy Extraordinary and Minister Plenipotentiary of the Republic. The main object of this diplomatic mission was the resumption of relations with Great Britain, through the good offices of the Minister of the United States, a condition *sine qua non* of such resumption being the

pre-establishment of cardinal points—among them the settlements of the conflict by arbitration—intended to govern the discussion concerning any definite agreement.

Sir Th. Sanderson, Under-Secretary at the *Foreign Office*, with whom Dr. Pulido negotiated, proposed to him a line which, commencing at Punta Mocomoco, between Punta Barima and the Guaima river, was to border upon the Amacuro river on the west, in compensation for which the boundary line was to follow the course of the Uruan or Yuruari river, up from its junction with the Cuyuni, and could be stretched as far as the Mountains of Usupamo and Rinocoto. He promised, moreover, according to Dr. Pulido's official report, that Her Majesty's Government, being willing to negotiate directly with that of Venezuela for the purpose of establishing a frontier of mutual convenience between the two Guianas, approaching as far as possible the natural limits, would lengthen Sir Th. Sanderson's line from Cape Mocomoco towards the south-east, and would renounce any claim or compensation whatever for the abandonment or, to speak more properly, for the restitution of the mouths of the Orinoco and the adjoining territories.

It cannot be observed that, by this proposition, Great Britain again admitted discussion concerning her right over the territory explored by Schomburgk, a right formerly asserted to be unquestionable, and even promised to withdraw all claims to the Orinoco and the neighboring country. The proposition was thus rendered more advantageous than the one which had been made to Senor Urbaneja in the previous month of March ; but since Venezuela's aim had been not to propose the adjustment of the difference at once, but to promote a renewal of diplomatic intercourse on condition that the English Government should agree to submit the question to international arbitration, a purpose which had not been realized, Senor Pulido returned to Caracas in September of the same year, 1890, leaving the boundary dispute in the state above described, and the good understanding between the two Nations interrupted as before.

As a testimony of her sincere desire to re-establish her relations and facilitate by that means the removal of all the difficulties, Venezuela finally appointed Señor Tomas Michelena, Confidential Agent of the Republic, to resume negotiations with Her Majesty's Government in pursuance of that purpose. I offer here an excerpt of the clauses presented by him at the outset of his proceedings :

First. After the renewal of the official relations between the two counties, subsequently to the ratification of this preliminary agreement by the respective Governments, each of them shall appoint one or more delegates invested with full powers, to sign a treaty on boundaries, founded on a conscientious and thorough examination of the documents, titles and antecedents supporting their claims ; it being moreover agreed that the decision of the doubtful points, or the delineation of a divisional line, concerning which no accord may be reached by the delegates, shall be submitted to the final and unappealable decision of an *arbitrer juris* who, the case occurring, shall be nominated by mutual concert between the two Governments.

Second. In order that the re-establishment of relations with Her Majesty's Government may be accomplished on a footing of the greatest cordiality, the Government of Venezuela will proceed to the conclusion of a new treaty of commerce, revoking the 30 per cent. additional duty, and substituting in its place one of limited duration, such as that proposed by Lord Granville in 1884.

Third. The claims which Her British Majesty's subjects and the citizens of the Republic of Venezuela may have a right to produce against each other's Government, shall be investigated by a Commission appointed *ad hoc*, Venezuela agreeing to such a proceeding so far only as this special case is concerned, since, by a decree of the Republic, the judgment and decision on foreign claims are committed to the Supreme Federal Court, and it shall consequently be declared that, as regards future claims, Great Britain accepts the foregoing regulation.

Fourth. It shall be stated in the preliminary agreement that both Her Majesty's Government and the Government of Ven-

ezuela acknowledge and declare the *status quo* of the boundary question to be that which existed in 1850, when the Hon. Sir B. Wilson, Chargé d'Affaires of England at Caracas, formally manifested, in the name and by express order of Her British Majesty's Government, that no portion of the disputed territory would be occupied, and solicited and obtained a similar declaration on the part of the Venezuelan Government. This *status quo* shall be maintained until the treaty on boundaries adverted to in clause 1 shall have been concluded.

Fifth. The agreement to be made on the preceding bases, signed by the Confidential Agent of Venezuela in exercise of the powers with which he is invested, and the person duly authorized to that effect by Great Britain, shall be forthwith submitted to ratification by both Governments, and, after exchange, the diplomatic relations between the two countries shall be considered re-established *ipso facto*.

London, the 26th of May, 1893.

Lord Rosebery replied on the 3d of the following July. He offered no immediate remark concerning the propositions contained in clauses 2, 3 and 5 presented by Señor Michelena ; but, referring only to clauses 1 and 4 on the boundary question between Venezuela and British Guiana, which in his opinion, was the most important of all the questions to be considered, he pointed out that, although the present proposal of the Venezuelan Government admitted the possibility of settling the boundary controversy by treaty, the fact that it also involved reference to arbitration, in case of difference between the delegates of the two Governments intrusted with the negotiation of that treaty, practically reduced it to the form which has repeatedly been declined by Her Majesty's Government, namely, the reference to arbitration of a claim advanced by Venezuela to a great portion of a long established British Colony.

Her Majesty's Government, therefore, considered that the clause 1 of the *Pro Memoria* could only be accepted by them under the conditions specified in the memorandum communicated in Sir Th. Sanderson's note to Señor Urbaneja, dated

the 19th of March, 1890. They would propose the amendment of clause 1 of the *Pro Memoria* in the manner indicated by the additions marked with red ink in the copy therein inclosed.

With regard to clause 4 of the *Pro Memoria* in which it is proposed that both Her Majesty's Government and the Government of Venezuela shall acknowledge and declare that the *status quo* of the boundary controversy is that which existed in 1850, Her Majesty's Government considered it quite impossible that they should consent to revert to the state of affairs in 1850, and to evacuate what had for some years constituted an integrant portion of British Guiana. They regretted, therefore, that they could not entertain that proposition. Great Britain believed herself entitled to incontestable rights over the territory now occupied by her. Those rights she was unable now to abandon, and she could not consent that any *status quo*, except that now existing, should remain in force during the progress of the negotiations.

The alteration of clauses 1 and 4, as proposed by Lord Rosebery, reads textually as follows, the words which are in italic being those which appear in red ink in the original :

“ Whereas, the Government of Great Britain claims certain territory in Guiana, as successor in title of the Netherlands, and the Government of Venezuela claims the same territory as being the heir of Spain, both Governments being inspired by friendly intentions, and being desirous of putting an end to the differences which have arisen in this matter, and both Governments wishing to pay all deference to the titles alleged by either to prove its jurisdiction and proprietary rights over the territory in question, they agree and stipulate that, as soon as the official relations shall have been re-established between the two countries, and after the ratification of the present preliminary convention by both Governments, one or more delegates shall be named by each party, with full powers to conclude a frontier treaty, founded on a conscientious and complete examination, by said delegates, of the documents, titles, and past events supporting the claims of either party; it being

agreed that the said territory in dispute lies to the west of the line laid down in the map communicated to the Government of Venezuela on the 19th of March, 1890, and to the east of a line to be marked on the same map running from the source of the river Cumano down that stream and up the Aima, and so along the Sierra of Usupamo, and that the decision of doubtful points and the laying down of a frontier on the line of which the delegates may be unable to agree, shall be submitted to the final decision, from which there shall be no appeal, of a Juridical Arbiter, to be appointed, should the case arise, by common agreement between the two Governments."

This frontier impairs the right of Venezuela, if compared with that proposed in 1886 by Lord Rosebery himself to General Guzmán Blanco, and also to a greater extent, with the line described on the map sent by Lord Salisbury to Señor Urbaneja on the 19th of March, 1890, through Sir Th. Sanderson, since the aforesaid limit intended to be drawn to the west of the latter necessarily and finally confers on Great Britain the proprietorship, actually and by right, of a greater portion of territory not subject to the decision of the delegates and of the Juridical Arbiter.

Venezuela had declined the first and second lines, and so had stronger reasons not to accept the third. Señor Michelena communicated forthwith her refusal, reiterating at the same time her desire that the British Government should consent to resume the discussion of the preliminary treaty, inspiring themselves in the declarations which, in their name, had been recently made by Mr. Gladstone before the Parliament in behalf of arbitration.

On the 12th of September, Lord Rosebery replied :

"Her Majesty's Government have carefully examined the arguments contained in your note of the 31st of last July, concerning the settlement of the boundary question between the Republic of Venezuela and the Colony of British Guiana.

"I regret to inform you that it does not appear to Her Majesty's Government that the contents of your note open the

way to an agreement that they can accept concerning this question.

"They are still desirous, however, to come to an understanding in regard to the frontier between the possessions of the two countries, and they are disposed to give their best attention to any practicable proposals that might be offered them to that effect."

Señor Michelena analyzed this note in a communication to the Foreign Office, dated the 29th of the same month of September, 1893, wherein he briefly sketches the history of the controversy from Señor Fortique's mission in 1840 up to his in 1893, and expresses his regret that he must acquaint the Government of the Republic with the last reply given by that of Great Britain. He closes with the following protest :

"It now remains for me to declare in the most solemn manner, in the name of the Government of Venezuela, that they deeply regret that the condition of affairs created by the events, which occurred during the late years in the disputed territory, must remain subject to the serious disturbances which *de facto* proceedings cannot fail to produce, and that in no time will Venezuela consent that such proceedings be adduced as valid titles to legitimize an occupancy interfering with her territorial jurisdiction."

Under the direction of Dr. Chittenden, Secretary of the Board of Agriculture of Trinidad, a sloop had been fitted out some days before for the purpose of carrying twenty-nine expeditionists to High Barima, who were to further the works of the Dixon Company. Together with this news the *Port-of-Spain Gazette* of the 25th of July announced vast schemes of enterprise to be carried out, with the aid of companies and capitalists from the Colony, in the territory now called Northwest District by the English, extending as far as the mouth of the Orinoco. The Executive of Venezuela considered this occurrence and the said schemes no less of a nature to embarrass the agreement in furtherance of the settlement of the boundary question than contrary to the good cause of the negotiations commenced at London, inasmuch as the Republic had always

defended as her property the territory of that District. The Executive accordingly instructed its Confidential Agent to make them known to Her Majesty's Government, which the Agent did.

Lord Rosebery replied on the 22d of September:

"With reference to my note of the 2d instant, I have the honor to inform you that Her Majesty's Government have given their careful attention to the representations contained in your note of the 26th ultimo, complaining of acts on the part of the Authorities of British Guiana, which are considered by the Venezuelan Minister for Foreign Affairs to be in contravention of the rights of Venezuela.

"Her Majesty's Government are desirous of showing all proper respect for the recognized rights of Venezuela, but the acts of jurisdiction to which you refer in your note do not appear to them to constitute any infraction of or encroachment upon those rights. They are in fact no more than part of the necessary administration of a territory, which Her Majesty's Government consider to be indisputably a portion of the Colony of British Guiana, and to which, as it has been their duty to state more than once, they can admit no claim on the part of Venezuela."

And Mr. Michelena closed the discussion with his reply of the 6th of October, the last two paragraphs whereof I may conveniently insert here, as they include the last declaration of Venezuela against the illegal and grievous proceedings of Great Britain:

"I perform a most strict duty in raising again, in the name of the Government of Venezuela, a most solemn protest against the proceedings of the Colony of British Guiana, constituting encroachments upon the territory of the Republic, and against the declaration contained in Your Excellency's communication, that Her Britannic Majesty's Government consider that part of the territory as pertaining to British Guiana, and admit no claim to it on the part of Venezuela. In support of this protest, I reproduce all the arguments presented to Your Excellency in my note of 29th of last Sep-

tember and those which have been exhibited by the Government of Venezuela on the various occasions they have raised this same protest.

"I lay on Her British Majesty's Government the entire responsibility of the incidents that may arise in future from the necessity to which Venezuela has been driven to oppose by all possible means the disposition of a part of her territory, for by disregarding her just representation to put an end to this violent state of affairs through the decision of arbiters, Her Majesty's Government ignores her rights and imposes upon her the painful though peremptory duty of providing for her own legitimate defence."

Thus ended the sixth and last negotiation promoted by Venezuela for the adjustment of the present dispute.

The circumstances which gave rise to this dispute was the commission entrusted to Sir R. H. Schomburgk by Her British Majesty's Government in 1840, so that the difference has lasted more than half a century.

The right claimed by Venezuela to the territory lying between the rivers Essequibo and Orinoco is founded on the following titles:

I. Those acquired from Spain by virtue of independence, belonging to the Captaincy-General of Venezuela, and afterwards transferred to the Republic by the treaty of peace and recognition of the 30th of March, 1845, namely: (a) Treaty of Münster, 1648; (b) Note of the Governor of Cumaná, to the Council of the same city, 1st of February, 1742; (c) Treaty of 1750 between the Portuguese and Spaniards; (d) Reply of the Governor of Cumaná, through the Commander of Guiana, to the note of the Director-General of the Dutch Colony of Essequibo, dated September 30th, 1758; (e) Royal Schedules of 1768, two in number; (f) Declaration of the Spanish Ministry in 1769, rejecting certain pretensions of the Dutch to the right of fishing in the mouth of the Orinoco river; (g) Instructions of the intendancy for peopling the eastern part of Guiana, 1779; (h) Royal order of 1780, directing Don Felipe de Jnciarte to found the town of San Carlos; (i) Report of Don

Antonio Lopez de la Puente, who had been commissioned to explore the Cuyuni river, February 26th, 1788; (j) Treaty of the 23d of June, 1791, between Spain and Holland for the extradition of fugitives and deserters from either Guiana; (k) Communication of the Secretary of the Dutch Company of the West Indies to the Minister of the Spanish Government in Holland, 8th of January, 1794.

II. Those corresponding to the time of the Republic: (l) Petition of Her British Majesty's Chargé d'Affaires near the Government of Venezuela for the construction of light-houses and other signals at Punta Barima, and for the establishment of beacons in the main mouth of the Orinoco, 26th of May, 1836; (m) Dispatch of the Governor of Demerara; (Parliamentary Papers), 1st of September, 1838; (n) Note from the Venezuelan Governor of Guiana to the Government, August 23d, 1841, on the acknowledgment of Venezuelan jurisdiction over Caño Moruco by a court of Demerara; (o) A similar act of virtual recognition of Venezuelan jurisdiction in 1874, on account of the homicide committed by the English subject, Thomas Garrett.

The right of Venezuela has been contested by Great Britain on the following grounds:

1. The forts of New Zealand and New Middleburgh erected by the Dutch in 1657 on the Pomarón and Moroco.

2. The concessions granted by the Dutch Company, successor in 1674 to the West Indies Company, for trading with the colonies of Essequibo and Pomarón, the latter extending, according to Great Britain, as far as the Orinoco.

3. The combat at Fort New Zealand in 1797, between Dutch and Spaniards, in which the latter were defeated and driven away.

4. The treaty of London, dated August 13th, 1814, by which Holland ceded Great Britain to Colonies of Demerara, Essequibo and Berbice.

Venezuela has sought to bring about the adjustment of the controversy by the various diplomatic means known in in-

ternational law, direct negotiations, and the good offices and mediation of States friendly to both parties.

Great Britain has not listened to the Powers which have been good enough to offer the interposition of their good offices, neither has she accepted their mediation. And as for direct discussion, she has not admitted it as an expedient means of clearing the reasons in support of the pretensions of either party, but to render less possible their conciliation by her ever-growing claims.

Venezuela has always believed that she can rightfully establish the limit between herself and British Guiana along the Essequibo river, for this has been no reason to prevent her from showing her readiness to reduce her claim for the sake of an amicable adjustment, as she has twice done when her National Constitution has permitted.

Great Britain had not advanced beyond the Pomaron river in 1840. All at once, in the same year, she made an attempt to extend her dominion as far as Barima, where she fixed the starting point of the frontier line between the two Guianas—Schomburgk's line; she retrograded in 1844, and proposed that the line should commence at the River Moroco, between the Pomarón and Punta Barima—Aberdeen's line; in 1881 she removed the starting-point to a distance of 29 miles from the Moroco, in the direction of Punta Barima—Granville's line; thence, in 1886, to a place on the coast west of the Guaima river, between the former spot and the Punta Barima—Rosebery's line; in 1890, she set it in the mouth of the Amacuro, west of Punta Barima, on the Orinoco—Salisbury's line; and finally, in 1893, constantly advancing west and south in the interior of the country, she carried the boundary from a point to the west of the Amacuro as far as the source of the Cumano river and the Sierra of Usupamo—Rosebery's new line.

Venezuela has always abode by the convention of 1850, by which both parties engaged not to occupy the territory in dispute so long as the question remained unsettled.

Great Britain has violated that convention without any con-

sideration whatever of the other party. She has gradually occupied the disputed territory, has incorporated it with British Guiana, has submitted it to her absolute dominion and administers it at her own will.

Venezuela has demanded a just reparation for this offence. Great Britain has refused it.

The diplomatic recourses having proved fruitless, Venezuela has esteemed it her duty since 1883 to resort to juridical means, and to propose the submission of the difference to the decision of a court of arbitration.

Great Britain has declined this agreement.

Out of dignity, Venezuela has suspended friendly relations with her opponent.

Great Britain has considered this act a lawful motive for adopting more violent and offensive measures.

Venezuela has been ready to adhere to the conciliatory counsel of the United States, that a conference consisting of their own representatives and those of the two parties, should meet at Washington or London for the purpose of preparing an honorable re-establishment of harmony between the litigants.

Great Britain has disregarded the equitable proposition of the United States.

Venezuela has carried her spirit of peace and conciliation so far as even to appoint three diplomatic representatives with a private character from 1890 up to this time, with the view of promoting the renewal of friendship through a prior engagement to submit the question to arbitration.

In response Great Britain has insisted on treating Venezuela as a minor State to which she can dictate the sacrifice of its right and territory, while deciding of her own accord what right and territory belong to herself unquestionably and without further discussion.

Venezuela has not been able to obtain respect for her juridical equality. She has met each violation with a representation and a formal protest.

Such is the summary account of this long and vexing contest from its outset to the present time.

(Signed)

JOSÉ ANDRADE.

Washington, D. C., March 31st, 1894.

Dr. Rojas to Cardinal Rampolla.

[Translation.]

UNITED STATES OF VENEZUELA.

DEPARTMENT OF FOREIGN RELATIONS,

DIRECTION OF FOREIGN PUBLIC LAW.—No. 734.

CARACAS, June 19, 1894.

His Excellency:

For some time General Joaquin Crespo, President of the Republic, has been considering the idea of soliciting the interposition of the Holy Father to bring to a peaceful, just, and decorous end the grave question yet existing between Venezuela and England regarding the limits of Guiana. And because the presence here of a Representative of the Holy See facilitates and makes this occasion still more propitious to bring about that purpose, the Chief Magistrate has conferred upon me the duty of communicating his ideas to His Excellency, Señor Tonti, to whom I have already spoken, in the confidence that the case demanded, of the opinion of the Chief of the Government in respect to the importance and efficacy of that mediation.

The voyage to Rome of the Representative of the High Pontiff offers still greater facilities for the attainment of the object, since thus, His Excellency Señor Tonti will be enabled to treat in the most direct manner possible and with the knowledge already possessed on the matter, as to the efficacious and practical means of giving the Holy See, in so delicate and transcendental a subject, the beneficial mediation which the Venezuelan Government so much desires.

The Government trusts that His Holiness will be inclined to consider this solicitation with the same fatherly interest which he has always shown in all that pertains to the welfare of the Republic.

With the purpose of obtaining this very valuable aid of His Eminence on a point of such import, I have the honor of addressing this communication.

His Eminence will please accept the renewed assurances of my respectful consideration.

P. EZEQUIEL ROJAS.

To His Eminence Cardinal Rampolla, Secretary of State of His Holiness the High Pontiff Leo XIII.

Cardinal Rampolla to Dr. Rojas.

[Translation.]

No. 21560.

His Excellency:

I received in due time the esteemed communication in which Your Excellency sought my good offices in facilitating the fulfillment of the wish expressed, in the name of His Excellency the President of that Republic, in regard to the grave question that exists between Venezuela and England, on the point of the territorial limits of Guayana. The Holy Father, whom I hastened to inform of that respected desire, so as to give a new proof of his benevolence towards that Republic, designed to accede to it and permitted that, in his august name, the official steps should be taken before the Government of Her British Majesty to obtain the object wished for by the President. His Excellency himself, Señor Tonti, Apostolic Delegate to that Republic, went to London to treat on the subject with that Government and conferred long with the Minister of Foreign Relations of England. But I regret that the result of the aforesaid official steps and of the conferences of the Apostolic Delegate were not in accordance with the common desire of the Holy See and of the Government of Venezuela.

Your Excellency will receive from the referred to Señor Tonti, who is about to return to Caracas, the particulars of this affair.

Meanwhile I improve this opportunity to offer to Your Excellency the sentiment of the distinguished consideration with which I have the honor to be Your Excellency's most devoted servant,

CARDINAL RAMPOLLA.

Rome, December 7th, 1894.

To His Excellency Señor Pedro Ezequiel Rojas, Minister of Foreign Relations of the United States of Venezuela.

General Joaquín Crespo, Constitutional President of the United States of Venezuela, to His Holiness the High Pontiff Leo XIII.

[Translation.]

Most Pious Father:

When in the month of June of the past year, through the medium of His Excellency Señor Julio Tonti, Diplomatic Representative of Your Holiness in this Republic, and in a special letter that I caused to be addressed to His Eminence Cardinal Rampolla, I solicited the interposition of the Pontificate so as to secure from England the agreement to refer to impartial arbitration, so long proposed by Venezuela, the settlement of the boundary limits with the Colony of Demerara, I was convinced that the benevolence of Your Holiness would be manifested on such an occasion so categorical and decided, as always is whenever it concerns the welfare of nations and the peace of humanity.

The facts eloquently confirm my belief; and although the result of the noble efforts directed by Your Holiness could not reach, through special circumstances, to the height of the design that inspired it, Venezuela, and with her her Government, shall always esteem the steps taken by the Holy See in this delicate affair as being of the utmost importance, and remember and feel grateful for it, as much as if its results had been those solicited by Your Holiness and so anxiously desired by the Republic.

As an expression of the deepest gratitude for such a marked

service, I now address this letter to Your Holiness, together with the prayer that I be given the grace of the Apostolic Benediction, and that Your Holiness accept with benevolence the invocation I make that Heaven keep the precious life of Your Holiness many years for the greater glory of the Pontificate.

JOAQUIN CRESPO.

Countersigned.

P. EZEQUIEL ROJAS,
The Minister of Foreign Relations.

Federal Palace of the Capitol, in Caracas, the twenty-eighth day of January of the
Year of Our Lord the 1895.

Dr. Rojas to Cardinal Rampolla.

[Translation.]

UNITED STATES OF VENEZUELA.
DEPARTMENT OF FOREIGN RELATIONS.
DIRECTION OF FOREIGN PUBLIC LAW.—No. 245—*bis*.
CARACAS, February 20, 1895.

His Eminence:

By the attentive letter of Your Eminence, dated in Rome, December the 7th last, and placed at my hands by His Excellency Señor Julio Tonti, Envoy Extraordinary of the Holy See in this Republic, the Government has been informed, with the most vivid gratitude, of the noble reception accorded to the earnest desire of Venezuela in regard to obtaining the interposition of the High Pontiff on the grave subject of boundaries with the British Colony of Guiana.

His Excellency Señor Tonti, to whom Your Eminence referred me for the communication of the details relating to the action taken by His Holiness relative to the desires of Venezuela, has shown me the character of the undertaking brought about by the same, and by order of the High Pontiff, before the Minister of Foreign Relations of Her Britannic Majesty, as

well as the result of it, which, although not favorable as it should have been to the high and benevolent mediation of the Holy See, and to the salutary purposes of the Venezuelan Government, it shall be considered as of extreme importance and worthy of being remembered with the utmost recognition.

The President of the Republic in a special letter to His Holiness thus expresses it, and I do myself the honor to repeat it to Your Eminence, to whom I renew, at the same time, the homage of my consideration.

P. EZEQUIEL ROJAS.

To His Eminence Cardinal Rampolla, Secretary of State of His Holiness the High Pontiff Leo XIII.

Dr. Rojas to the Papal Envoy in Caracas.

[Translation.]

UNITED STATES OF VENEZUELA.

DEPARTMENT OF FOREIGN RELATIONS.

DIRECTION OF FOREIGN PUBLIC LAW.—NO. 246—*bis*.

CARACAS, February 20, 1895.

Your Excellency:

After having read the letter of His Eminence Cardinal Rampolla, which Your Excellency placed in my hands early in January last, I heard from the very mouth of Your Excellency the statement of the steps taken by the High Pontiff to carry to an amicable termination the dispute by reason of boundary limits between Venezuela and the English Colony of Demerara. I understood all the importance of the high intercession and its elevated moral character notwithstanding the negative result offered by influence of special circumstances.

For what I then expressed, Your Excellency would understand all the appreciation with which, from the beginning, the Government of the Republic viewed the kind reception His

Holiness had given to the solicitation of Venezuela and the recognition to which it considered itself indebted for so valuable an interposition.

Therefore, the President of the Republic considered it his duty to address to the High Pontiff an special letter which I have the honor to inclose here to Your Excellency, together with the customary copy, and in which the Supreme Magistrate expresses the grateful sentiments which are the moral consequence of any benefit received.

The letter for His Eminence Cardinal Rampolla contains an equal expression, which I also do myself the honor to accompany with the request that it be forwarded.

The Government owes to Your Excellency, and I take pleasure in thus expressing it, a special testimonial of gratitude for the singularly sincere and prudent manner in which Your Excellency aided the purpose of the Venezuelan Executive Power, and fulfilled the trust of the Holy Father before the Government of England.

Be pleased, Your Excellency, to accept the renewed assurances of my highest and most distinguished consideration.

P. EZEQUIEL ROJAS.

To His Excellency Señor Julio Tonti, Envoy Extraordinary of the Holy See in the United States of Venezuela.

The Papal Envoy to Dr. Rojas.

[Translation.]

APOSTOLIC DELEGATION.—No. 120.

CARACAS, March 16, 1895.

Mr. Minister:

I have the honor to acknowledge the receipt of the note that has just reached my hands, dated the 20th of February last, in which Your Excellency evinces the gratitude of the Government for the mediation interposed by the Holy Father to the effect that the question of limits between Venezuela and the English Colony of Demerara should terminate amicably.

As an expression of that gratitude, Your Excellency inclosed therein two letters, so that I send them to their destination, one from His Excellency General Crespo, President of the Republic, for the Holy Father, and another of yours for His Eminence Cardinal Rampolla, Secretary of State of His Holiness.

On assuring you, Mr. Minister, that at the first occasion I shall send them to Rome, I make haste to express my entire satisfaction for the noble sentiments by which the two mentioned letters, worthy of a Catholic nation, are inspired.

The flattering expressions in Your Excellency's note, concerning me personally, impressed me much, and therefore it is my special duty, Mr. Minister, to attest to you and to His Excellency the President, not less than to the members of the Government, my highest gratitude for them.

I shall feel very happy, whenever within the limits of my power, I may lend any service to the Republic of Venezuela, which Government and citizens have not ceased in giving me, since my arrival, undoubted proofs of their affectionate sympathy.

Be pleased to accept, Mr. Minister, the expressions of my most high consideration.

JULIO,
Apostolic Delegate and Envoy Extraordinary
of the Holy See.

To His Excellency Señor Don P. Ezequiel Rojas, Minister of Foreign Relations.

Mr. Gresham to Mr. Bayard.

DEPARTMENT OF STATE,
WASHINGTON, July 13, 1894.

No. 442.

Sir:

During your incumbency of the office of Secretary of State you became acquainted with a long-pending controversy between Great Britain and Venezuela concerning the boundary between that Republic and British Guiana.

The recourse to arbitration, first proposed in 1881, having been supported by your predecessors, was in turn advocated by you in a spirit of friendly regard for the two nations involved. In the meantime, successive advances of British settlers in the region admittedly in dispute were followed by similar advances of British colonial administration, contesting and supplanting Venezuelan claims to exercise authority therein.

Toward the end of 1887 the British territorial claim, which had, as it would seem, been silently increased by some 33,000 square miles between 1885 and 1886, took another comprehensive sweep westward to embrace the rich mining district of the Yuruari as far as Guacipati; and this called forth your instruction to Mr. Phelps of February 17, 1888, respecting the "widening pretensions of British Guiana to possess territory over which Venezuelan jurisdiction" had never theretofore been disputed.

Since then repeated efforts have been made by Venezuela as a directly interested party, and by the United States as the impartial friend of both countries, to bring about a resumption of diplomatic relations, which had been suspended in consequence of the dispute now under consideration. The proposition to resume such relations has, however, been intimately bound up with the ultimate question of arbitration. Until recently Venezuela has insisted upon joining to the agreement to arbitrate a stipulation for the restoration of the *status quo* of 1850 pending the proposed arbitration; but it seems that this condition is now abandoned. On the other hand, Great Britain has on several occasions demanded, as a preliminary to an understanding touching arbitration, that Venezuela shall definitely abandon all claim to a large part of the territory in dispute and limit the eventual arbitration to that portion only to which Great Britain has more recently laid claim.

In May, 1890, replying to a note of Mr. Lincoln, tendering the good offices of this Government to bring about a resumption of relations, by means of a conference of representatives of the three powers, or in any friendly way, Lord Salisbury

offered to submit to arbitration any questions in respect to territory west of Schomburgk's line of 1840, but insisted on admission of the British claim to all parts to the east of that line.

The Venezuelan Government has on three occasions since the rupture sent accredited agents to London to negotiate for a restoration of diplomatic intercourse. Dr. Urbaneja having failed, Señor Pulido succeeded him, and insisted, as his predecessor had done, upon a preliminary agreement for unreserved arbitration, but he was met by a counter proposal for a conventional boundary line, which was somewhat more favorable to Venezuela than that formerly insisted upon, in that it departed importantly from the Schomburgk line and relinquished claim to the Barima district, on the main branch of the Orinoco. Not reaching an accord, Señor Pulido returned to Caracas in September, 1890, and the matter rested for a time.

In 1893 Señor Michelena was sent to London as a confidential agent, bearing a modified proposal to resume diplomatic relations on the basis of the *status quo* of 1850, and to appoint commissioners to determine a conventional boundary, leaving to arbitration any question as to which they might fail to agree. Lord Rosebery, replying July 3, 1893, treated this proposal as a substantial renewal of Venezuela's claim for unconditional arbitration, and in effect declared that the proposed settlement of the boundary by a commission could only be entered upon after Venezuela should have relinquished all claim to any territory eastward of the line laid down on a map submitted to Venezuela 19th March, 1890. This line appears to substantially follow Schomburgk's, with some modification.

Señor Michelena declined this proposition and advanced a counter proposition July 31, 1893, to which Lord Rosebery replied, September 12, that it did not appear to Her Majesty's Government that Señor Michelena's note opened the way to any agreement that they could accept concerning this question, but that they were "still desirous to come to an under-

standing in regard to the frontier between the possessions of the two countries," and were "disposed to give their best attention to any practicable proposals that might be offered them to that effect."

A discussion soon followed touching a scheme for the British occupation of High Barima and the region to the north-west as far as the Orinoco, which elicited from Lord Rosebery, September 22, 1893, the declaration that the acts of jurisdiction complained of did not encroach upon Venezuela's rights, but were, "in fact, no more than part of the necessary administration of a territory which Her Majesty's Government consider to be indisputably a portion of the colony of British Guiana, and to which, as it has been their duty to state more than once, they can admit no claim on the part of Venezuela." Against this declaration Señor Michelena protested October 6, 1893; and there the matter now rests.

The President is inspired by a desire for a peaceable and honorable adjustment of the existing difficulties between an American State and a powerful trans-Atlantic nation, and would be glad to see the re-establishment of such diplomatic relations between them as would promote that end.

I can discern but two equitable solutions to the present controversy. One is the arbitral determination of the rights of the disputants as the respective successors to the historical rights of Holland and Spain over the region in question. The other is to create a new boundary line in accordance with the dictates of mutual expediency and consideration. The two Governments having so far been unable to agree on a conventional line, the consistent and conspicuous advocacy by the United States and England of the principle of arbitration, and their recourse thereto in settlement of important questions arising between them, make such a mode of adjustment especially appropriate in the present instance, and this Government will gladly do what it can to further a determination in that sense.

With these considerations I commit the matter to your hands, leaving it to you to avail yourself of any convenient

opportunity to advance the adjustment of the dispute in question.

I append for your convenient perusal copy of a memorandum¹ on the controversy, which has recently been handed to me by the Venezuelan minister at this capital.

I am, etc.,

W. Q. GRESHAM.

Foreign Relations of the United States, 1894.

[Urgent.]

The German Chargé d'Affaires at Caracas to Dr. Rojas.

IMPERIAL LEGATION OF GERMANY IN VENEZUELA.

CARACAS, November 12th, 1894.

Mr. Minister :

Last Thursday, by virtue of a telegraphic communication from my Government, I had the honor, in my character of being charged with the protection of British interests in Venezuela, to present a claim, in the name of the Royal Cabinet of Great Britain, against a violation of the frontier of British Guiana, perpetrated by Venezuelan soldiers on the Cuyuni river. At the same time I expressed the desire of the English Government that the officer who commands the Venezuelan troops of the Cuyuni river should receive orders to prohibit his soldiers from crossing the river, as well as from cutting trees on its right bank.

His Excellency had the kindness to offer me an answer, after having consulted the Council of Ministers. Wishing a solution of the matter satisfactory to the parties interested, I would be very grateful to His Excellency if a reply were given to me as soon as possible.

I also take advantage of this opportunity to renew, Mr. Minister, the assurances of my most distinguished consideration.

BODMAN.

To His Excellency the Minister of Foreign Relations of the United States of Venezuela, Mr. P. Ezequiel Rojas.

¹Not printed.

Dr. Rojas to the German Chargé d'Affaires.

DEPARTMENT OF FOREIGN RELATIONS.
SECTION OF FOREIGN PUBLIC LAW.—No. 1389.

CARACAS, November 14th, 1884.

Honorable Sir :

The Government of the Republic has taken into consideration the communication of Your Honor, received at this office the day before yesterday, when I was absent from Caracas, and in which Your Honor, in reference to the telegram you made me acquainted with during the conference of last Thursday, and in your character of being charged with the protection of the British interests in Venezuela, asks with urgency an answer in regard to the so-called violation of the frontier of British Guiana on the Cuyuni river ; which reply, according to the inference from the expressions used by Your Honor, should offer the assurance that the Venezuelan soldiers must no longer cross said river, nor cut trees on its right bank.

Your Honor will have already observed that the question here treated of is that universally known as the disputed boundary between the Republic of Venezuela and the English Colony of Demerara. Since England determined, not long ago, to actually occupy the portion of territory in dispute (in which the region of the Cuyuni river was not however at first comprised, to which the telegram refers, and which is notoriously Venezuelan territory), the Republic has protested seriously, reserving to herself the right to vindicate her titles by the most righteous means, which since then, moved by a spirit of conciliation, she earnestly submitted to the Government of Her Majesty. Repeated new advances of the English line of occupation gave cause to other protests, which came to be the reiterated invocation of the rights that in this contest evidently are in favor of the Republic.

So, on February 20th, 1887, June 15th and October 29th, 1888, December 16th, 1889, September 1st, 1890, December 30th, 1891, and finally August 26th and October 6th, 1893 ;

that is to say, every time that any measure from the Colonial Authorities appeared extending the radius of the occupation, with manifest transgression of the *status quo*, agreed upon in 1850; Venezuela has opposed with the voice of right and justice the acts exercised by Great Britain within a territory that the Republic considers belonging to her, rights based on geographical and historical documents of incontestable value, on authorities of high repute, many of them English, on local traditions worthy of respect, and on facts of jurisdiction of the Commissaries or Agents of Her Catholic Majesty, and to be found in Public Treaties previous to that of August 13th, 1814, whereby Holland ceded to Great Britain her Colonies of Demerara, Essequibo, and Berbice.

According to the information of which the Venezuelan Government is already in possession, that which happened on the right bank of the Cuyuni river was caused by a menace from the Agent of the Demerara Government, who is called Inspector of that region, to a Venezuelan named Loreto Lira, planter, established there for a good many years, and from the cutting down of trees upon some lands by several of his countrymen who arrived there some days after the commemoration of the Independence of Venezuela had been celebrated on that bank of the river (July 5th), in the house of the same Lira and in that of a woman named Manuela Casañas.

It is known that the same colonial agent from whom the threat to Lira had come, stated to him afterwards that he could continue his work with complete tranquillity, and it is also known that after the patriotic rejoicings to which they gave themselves up, on the before mentioned 5th of July, in his house, and in that of Señor Casañas, a captain and eight soldiers proceeding from the General Commissariat of the Upper Cuyuni river, the successor of Inspector Gallagher, named Douglas Barnes, asked permission to cross the river and to offer his friendship and respect to the Venezuelan authorities.

In spite of the manner in which the colonial agents have been proceeding in the occupation of the territory which Venezuela considers comprised within her limits, it has always been

recommended, and most earnestly, to the authorities established by the Republic within the same zone, that they avoid as far as compatible with national decorum, all cause for collision with the agents of Demerara, since the Government wishes to solve the question of boundary by peaceful means and not to make odious this old controversy.

The assurances now asked, considering the present aspect of the question, would be equivalent, as will be easily understood by Your Honor, to a tacit declaration in favor of the designs of England, and would counteract in fact the protests previously made by the Republic, which she still maintains with all its vigor, and which I have just again related for a better understanding. And upon stating so to Your Honor, I fulfill the duty of renewing, through such a worthy medium, to the British Government, the earnest desire of Venezuela of putting an end to the vexatious litigation by the use of the peaceful resorts counselled by Modern Law, and to which England herself frequently appeals, as being a cultured Nation that has colabored in the work of the present civilization.

Accept, sir, once again, the protests of my distinguished consideration.

P. EZEQUIEL ROJAS.

To the Honorable Baron de Bodman, Chargé d'Affaires of Germany and charged with the protection of the British interests of Venezuela.

The Venezuelan Consul at Demerara to Dr. Rojas.

[c. Project of a road from the High Barima River to Cuyuni, or to Yuruán River.]

CONSULATE OF VENEZUELA IN DEMERARA.—No. 19.

GEORGETOWN, October 25th, 1894.

Mr. Minister:

The proposition of Mr. A. Weber to construct a road from the head of the Barima river to the Upper Cuyuni river, or to the Yuruan river, of which I spoke to you in my communication of the 5th instant, was debated yesterday by the Leg-

islature, and the Secretary of the Government asked to be deferred until the Secretary of State of the Colonial Office approves of a petition from the inhabitants of this Colony, asking for its authorization to raise a loan of a million dollars for the development of the mining and other industries, from which sum the necessary amount could be taken to construct the road.

The Secretary of this Government informed Mr. Weber that the Government had already taken some steps with the object of finding the most easy means of communicating by road between the rivers mentioned, and that the agent of the Government in the Northwest District is at present in correspondence with this Government upon the subject. He also says that the result of all these investigations shall be submitted to the commission to be appointed by the Governor to report upon the means more adequate to develop the mining industry.

It is to be observed that in the discussion of the proposition of Mr. Weber (as is seen in the *Daily Chronicle*, dated to-day, which I remit to that Department) the idea of constructing that road up to the Yuruán river, which cannot be made without passing by Venezuelan territory, should not be opposed.

I am, Mr. Minister,

Your attentive and constant servant,

E. PINAUD.

To the Minister of Foreign Relations, Caracas.

(From the *Daily Chronicle* of October 25th, 1891.)

[Inclosure—Translation.]

The Proposed Road from the Barima River to the Cuyuni River.

Mr. Weber proposed the following resolution, of which he had given notice :

“ With reference to the resolution of the Combined Court, approved in its last session and by which His Excellency the Governor and this Honorable Court were authorized to expend certain sums, if they were deemed necessary for the development of the gold and other industries, except that of sugar ;

“ *Resolved*, That this Court respectfully ask of His Excel-

lency the Governor that, at the briefest time possible, he give orders to make the plan for a wagon or mule road from the point where the Barima river is no longer navigable up to the Upper Cuyuni river, and if found practicable, to the Yuruán river, with the end of putting these rivers in direct communication."

He said that His Excellency knew, no doubt, how difficult it was to reach that very important District; that the numerous falls of the Cuyuni river made the trip to the Yuruán River so troublesome and difficult, that almost seven weeks were required to reach that place; that one private study had already been made for a road from the Upper Barima river to the Cuyuni river, and it had been found that the journey to this District, one of the most important, among the auriferous Districts of the Colony, could be made shorter than it is now. He expressed the hope that His Excellency would look for a way to have that region surveyed with the view of opening a road that, besides economizing an immense amount of time and expense to those interested in the gold industry of that District, would also facilitate a more prompt communication with the Government Station on the Yuruán river, subject-matter the importance of which he hardly needed to suggest to the Government. Mr. Hunter supported the resolution.

The Customhouse Inspector, on admitting how beneficial such a road would be, said that he would like to suggest another point; that he believed that in a question as that of opening a road, the opinion of a man like Mr. Barnard would be of weight; that this man was of the opinion that the waterways should be utilized as far as possible, and hinted that the communication should be opened through canals with boats.

Mr. Davis thought that they had carried out the idea up to a certain degree in the Northwest District, and that they would keep the same in mind in the present case.

The Secretary of Government said that there were two points to be considered. In the first place, the amount of money proposed in the resolution approved by the Combined Court, for the development of the gold and other industries, had to be raised by means of a loan; and whilst the Government should

not importune for the same the approval of the Secretary of State, it would be impossible for him to act. Of course no time was lost in communicating to the Secretary of State the recommendation of the Combined Assembly, and no doubt an answer will soon be received. In regard to the other point, the honorable member perhaps did not know that as to connecting these two rivers some considerable study has already been made, and some plans have been presented that are still being considered. In effect, the Government Agent in the Northwest District is now in communication with the Government in regard to the very matter. The details belonging to it shall be presented to the Commission that His Excellency may appoint for the carrying out of the resolution approved by the joint Assembly in its last session, and he believes, therefore, that the honorable member might consent for the present to a postponement of the consideration of his proposition.

Mr. Weber said that it pleased him much to know from the Secretary of the Government that the Government understood the two aforesaid rivers should be connected, if it were possible. He was in accord with the justice of the remarks of the Customhouse Inspector in regard that the communication by canal should be preferred, but he said he was afraid that would be impossible.

It is understood that whenever the waterways could be employed with advantage, they should be used. With the consent of the member who supported it, he asked that the postponement of his proposition be allowed, knowing steps were being taken for that purpose.

Dr. Rojas to the Venezuelan Consul at Demerara.

UNITED STATES OF VENEZUELA.
DEPARTMENT OF FOREIGN RELATIONS.
DIRECTION OF FOREIGN PUBLIC LAW.—No 1392.
CARACAS, November 15th, 1894.

Mr. Consul:

Your communication of October 25th, Number 19, has received very serious consideration on the part of the Govern-

ment of the Republic, as also the article of the *Daily Chronicle* of the same date, to which you refer with just alarm. If the proposition of Mr. A. Weber to the Legislative Chamber of the Colony to construct a road from the source of the Barima river to the High Cuyuni river, or to the Yuruán river, signifies a direct suggestion against our territorial rights, the only fact of having taken notice of it and the reasons which the Secretary of the Government gave for its postponement, are evidence that the authorities of Demerara design to carry out a new act of detention, perhaps for not knowing the measures of an administrative character dictated recently to secure the jurisdiction of Venezuela in that part of the Guayana.

But, in the grave matter treated of, it is not enough to prevent the material danger. It is necessary to protect the legal status, to the contravention of which the project related to the proposition of Mr. Weber visibly tends.

The question is about territories that Venezuela considers belonging to her exclusively; beliefs supported by historical and geographical titles of an unquestionable nature, many of which proceed from English sources, and from anterior and posterior epochs to that of the Treaty of 1814, which ceded to Great Britain one part of Dutch Guiana.

The Republic has never failed to protest against the acts, the result of force only, which have determined the possession by England of a considerable portion of Venezuelan Guiana. To impede its continuation, the formation was ordered in 1890 (May 13th) of the Districts Barima-Pomaron and Essequibo-Cuyuni; later on she established a station at the confluence of the Yuruán river, and the present Administration decreed the Commissariat of the Upper Cuyuni river, as a directing center of others that will have to enforce in those sections the jurisdiction of Venezuela.

Since the occupation of the extended territories up to the Guayana, Barima and Amacuro rivers was effected, she raised the voice of protest against the proceeding of Great Britain. On the 16th of December, 1889, she denounced before the civilized world, as contrary to the principles that govern the international conduct of civilized countries, and as contrary to morals

as to justice, the decree of Sir Charles Bruce, of the 4th of said month and year, which declared Barima as an English colonial port. At the same time she reiterated the protests of the 20th of February, 1887, and of June 15th, and October 29th, 1888, against previous usurpations of Venezuelan territory, and she did as much in regard to the act of jurisdiction that the Colony had pretended to exercise upon Venezuelan land, when authorizing the construction of a road to connect Demerara with the, at the time, Venezuelan Federal Territory of Yuruary. On the 1st of September, 1890, she also raised a formal protest against an order issued at Georgetown by the authority of the Governor of Demerara, wherein, with the pretext of establishing an additional District named "Pomeron" and of altering the demarcation of the District denominated "Northwest," boundaries were fixed contrary to our rights, and visibly directed to the extension of the radius of British usurpation.

Upon establishing the so-called station of the Government and Police on the Upper Cuyuni river, Venezuela opposed a protest, also solemn, that she raised in the face of all the civilized countries of the world on the 30th of December, 1891, and in which she declared that the acts of Great Britain, to which the same document referred were considered performed within territory the absolute possession of which the Government of the Republic demanded in virtue of unimpeachable historical titles, and in the name of the principles of public law.

Lastly, on August 26th, 1893, when an agent *ad hoc* was discussing in London, by instructions from the Government of the Republic, the boundary matter looking to some decorous settlement, the attention of the Department of Foreign Relations of Her Britannic Majesty was called to the fact that purposes of exploitation were being announced, on the part of English capitalists and under the patronage of the colonial authorities, in the extended territory up to the largest outlet of the Orinoco river, territory the ownership of which Venezuela has been sustaining all along with arguments of right, that to-day stand so firm and valid as at the time of their first exposition. On the 6th of October following, a form of a solemn protest was given to the beforesaid claim, upon seeing that the British

Government had not given attention to it as justice demanded.

Never, neither before the conduct of England had offered in this question the character of being pertinacious that for some time points her out, nor after, has the Government of Her Britannic Majesty presented a single proof or argument to weaken a single one of the protests referred to. Whilst England gives as a reason demonstrations of force, Venezuela exhibits titles of high value, and animated with the most conciliatory spirit, urges with solicitude the termination of the dispute in a form equally decorous to both parties. She takes refuge in the practice of arbitration, judging it most in harmony with the modern ideas of right, and she is, now as heretofore, ready to close the vexatious affair of limits with the Colony of Demerara, if Great Britain, more forgetful of her material resources than of her escutcheon as a civilized and cultured nation, does not oppose humiliating restrictions to the proposition of the Government of the Republic.

The construction of the projected road from the source of the Barima to the Cuyuni, or to the Yuruán river, would produce, no doubt, a collision with the authorities of Venezuela in that zone, and it would be the cause of a new asperity in a controversy that to both parties is of import to bring to a most conciliatory position. Be pleased to thus signify this to the Government of that Colony, and to transmit to it, through means you may consider most proper, a copy of this communication.

I am your very attentive servant.

P. EZEQUIEL ROJAS.

To the Consul of Venezuela in Demerara.

Mr. Gresham to Mr. Bayard.

No. 548.

DEPARTMENT OF STATE.

WASHINGTON, December 1, 1894.

Sir:

On the 13th of July last, in my instruction No. 442, I summarized the views of this Government in regard to the boundary

dispute between Great and Venezuela, and inclosed copy of a memorandum on the subject which was handed to me by the Venezuelan Minister on March 31, 1894.

In conferences with Señor Andrade, during your recent visit home, he doubtless expressed the earnest desire of his Government for a speedy determination of the question by arbitration.

I cannot believe Her Majesty's Government will maintain that the validity of their claim to territory long in dispute between the two countries shall be conceded as a condition precedent to the arbitration of the question whether Venezuela is entitled to other territory which, until a very recent period, was never in doubt. Our interest in the question has repeatedly been shown by our friendly efforts to further a settlement alike honorable to both countries, and the President is pleased to know that Venezuela will soon renew her efforts to bring about such an adjustment.

It is not doubted that you will discreetly exert your influence in favor of some plan of honorable settlement.

I am, sir, etc.,

W. Q. GRESHAM.

Foreign Relations of the United States, 1894.

Mr. Gresham to Mr. Andrade.

[See "Foreign Relations" of the United States, 1894.]

DEPARTMENT OF STATE.

WASHINGTON, December 8, 1894.

Sir:

On the 31st of March last you addressed to me a note on the subject of the disputed boundary between Venezuela and British Guiana, accompanied by an historical memorandum giving the facts in regard to the controversy as they are understood by your Government, and on the 7th of July last, in response to my oral request, you furnished me with an additional copy of the memorandum in question.

Referring to our recent conversation, I have the honor to inform you that on the 13th of July last, a copy of your memorandum was sent to the United States ambassador in London, with instructions to aid, so far as his good offices might be found available, a resumption of the suspended diplomatic relations between Venezuela and Great Britain, with a view to eventual agreement for the disposition of the question by resort to arbitration or by any other conventional means comporting with the honor and interest of the disputants. Mr. Bayard's long familiarity with the question justified the President in intrusting to his sound discretion the further treatment of the matter at the Court of St. James in harmony with the declared attitude and policy of the United States as the impartial friend of both parties to the controversy.

Since that time Mr. Bayard has been in this country on leave of absence, and I am informed that you have availed yourself of the opportunity so afforded to confer with him in respect to the matter at issue.

In view of this, and of my recent conversations with you on this important subject, I shall take an early occasion to instruct the ambassador, supplementing my previous dispatch to him of July 13th, and I do not doubt his willing interest in the matter and his cordial desire to contribute toward a better understanding between the two countries and the determination of their difference.

In this relation I may properly advert to the following passage of the last annual message of the President, which was laid before the Congress on the 3d instant:

The boundary of British Guiana still remains in dispute between Great Britain and Venezuela. Believing that its early settlement on some just basis alike honorable to both parties, is in the line of our established policy to remove from this hemisphere all causes of difference with powers beyond the sea, I shall renew the efforts heretofore made to bring about a restoration of diplomatic relations between the disputants and to induce a reference to arbitration, a resort which Great Britain so con-

spicuously favors in principle and respects in practice, and which is earnestly sought by her weaker adversary.

Accept, etc.,

W. Q. GRESHAM.

Mr. Andrade to Mr. Gresham.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
WASHINGTON, December 19, 1894.

Sir:

A proposition was introduced on the 24th of October last, in the legislative chambers of Demerara, for the construction of a road uniting the Upper Barima with the Cuyuni or with the Yuruán. The Government Secretary asked that action on the subject might be deferred until a consultation could be had with the Colonial Ministry and until the approval of a petition had been obtained which was designed to secure authority to raise a large loan, from which was to be taken the amount necessary for the construction of the projected road.

The Government of Venezuela thinks that the design in question involves a fresh purpose to unlawfully appropriate the territory of the Republic, and that its execution would doubtless give rise to a conflict with the national authorities of that district, and would occasion greater acrimony in the boundary dispute now pending with the British Colony. Consequently, desiring to forestall the construction of the road, it has already communicated its views to the colonial Government through the Venezuelan Consul at Demerara, and has, furthermore, addressed the communication which is reproduced below, to His Excellency Seneca Haselton, Envoy Extraordinary and Minister Plenipotentiary of the United States in Venezuela, and it instructs me to earnestly support the request therein contained:

“The dispute pending between Venezuela and Great Britain on the subject of the boundaries between the Republic and the Colony of Demerara has for years past, as you are aware, engaged the attention of the civilized world, and has induced the press of many European and American countries (that of the

United States included) to declare that it must be decided at once whether the theoretical equality of states is entitled to real respect, or whether the prestige of force or the greater material power of nations has greater weight than the doctrines and principles of right. The question under consideration daily presents a more unpleasant aspect, owing to the course pursued by the agents of England, who, deaf to the conciliatory representations of Venezuela, have, especially since 1886, extended British jurisdiction over territory which the Republic considers to belong to it."

"Repeated attempts have been made during the last eight years to settle the dispute by means honorable to both parties, as is shown by the sending of three commissioners to London with instructions to discuss the matter directly with the Government of Her Britannic Majesty. The most recent attempt was made last year, and the Government of Venezuela (as Your Excellency will see by a perusal of *the Yellow* book laid before the Congress of 1894) manifested the most earnest desire to put an end to the controversy without sacrificing any principle of right, but by such legal means as are used and recommended by England under similar circumstances.

"The persistency of the British Government in excluding from arbitration all that portion of the territory which it has held for years, rendered the action of the last commissioner of Venezuela null and void; rendered inefficacious the good intentions of the Executive of the Republic, and stimulated the ambition of certain agents in the colony who have in view nothing but the pleasing prospect presented by a territory exceedingly rich in natural resources. Some of them, on the 24th of October last, procured the introduction in the legislative chamber of Demerara, of a proposition looking to the construction of a road which is to unite the Upper Barima with the Cuyuni, which involves a fresh project for the unlawful appropriation of Venezuelan territory, and the manifest tendency of which is to increase the difficulty of reaching a peaceable settlement of the controversy.

"The Secretary of Government requested that the proposition should be postponed until he could consult the Colonial De-

partment, and what was still more important, obtain its approval of an application for power to raise a large loan from which could be taken the amount necessary to open the proposed road.

"The Government of Venezuela, through its Consul at Demerara, has advised the Governor of the colony that the execution of the project (that relating to the road from Barima to Cuyuni) would undoubtedly bring about collision with the Venezuelan authorities in that region, and would be the cause of further embittering a controversy which it is important to both parties to put on a more friendly footing.

"As Your Excellency will understand, the controversy assumes an appearance which may be called threatening, since the authorities of the colony are disposed to extend their jurisdiction still further, under pretext of connecting two points in the territory of Guiana, and thus to penetrate into regions where the Republic has established regular centers of occupation.

"In view of this fact, and the further fact that the Government of Venezuela has been constantly endeavoring to exhaust all lawful means to reach a friendly understanding, it has thought proper to inform your legation of the new danger caused by this matter and to press its request, made some time ago to the Department of State, and constantly urged by our Minister Plenipotentiary at Washington, for the active and direct intervention of the United States.

"The co-operation of Your Excellency will undoubtedly produce immediate results, both because it would be based on sound reasons and because it will proceed from one who, like Your Excellency, represents a Republic which unites its most effective action with the practice of justice and of law. And, as on the other hand, the Government of the United States, without proving recreant to its dearest traditions, cannot view with indifference the usurpation of a foreign power over the legitimate territories of an American nation, it is to be hoped that its moral action will be as ready and decisive as the magnitude and character of the interest endangered call for, demand, and most urgently need.

"The subject I am discussing with Your Excellency is almost

as serious and important to the great Republic of the North as it is to Venezuela herself. England's control over the mouth of our great fluvial artery, and over some of its tributaries, will be the cause of permanent danger to industry and commerce throughout a large portion of the New World, will effectually destroy the celebrated and beneficent Monroe Doctrine, and will perpetuate measures of usurpation which may in the future, in the case of certain American countries, render illusory their political existence as free and independent States.

"I most urgently request Your Excellency to be good enough to express the foregoing view to the Government of the United States."

I avail myself of the opportunity to renew to Your Excellency the assurances of my high and distinguished consideration.

JOSÉ ANDRADE.

Mr. Haselton to Mr. Gresham.

No. 32.

FOREIGN RELATIONS OF THE UNITED STATES.
LEGATION OF THE UNITED STATES,
CARACAS, December 21, 1894.

Sir :

The Government of Venezuela manifest in many ways a cordial appreciation of that portion of the message of the President of the United States which relates to the boundary question pending between this country and Great Britain, and by a communication, a copy and translation of which are inclosed, has requested me to transmit to the President, through the Department of State, the expression on its part of the ideas and sentiments therein contained.

I have, etc.,
SENECA HASELTON.

Mr. Rojas to Mr. Haselton.

[Inclosure in No. 32.—Translation.]

FROM "FOREIGN RELATIONS" OF THE U. S., 1894.

Most Excellent Sir:

The message sent by His Excellency, Mr. Cleveland, to the Congress of the United States at the opening of the present session contains expressions relative to our question with England which speak much for the spirit of equity and true Americanism of the great Republic.

In effect the message invokes the principle of arbitration as adequate to the settlement of the dispute; it advocates its adoption as a resort honorable to both parties; it notes the fact that Venezuela, the weaker power, earnestly desires arbitration, and it gives assurance that the voice of the great American nation will be heard in favor of a decorous and peaceful solution of this vexatious matter of difference.

Venezuela, most excellent sir, has noted with singular gratitude this noble proof of concern for her tranquillity and her honor, and the Government of which I form a part, as the authorized interpreter of the national sentiment, earnestly desires that the most excellent Mr. Cleveland should know of the grateful impression here produced by his eloquent words, and should be made acquainted with the appreciation on the part of this Republic of the generous offices which, in the furtherance of an adjustment between England and Venezuela, he, in the above-mentioned portion of his notable message, promises to exercise.

The executive power trusts that your worthy legation will be pleased to transmit to the President of the United States, through the medium of the Department of State, the expression of the foregoing sentiments, and in so requesting,

I have, etc.,

P. EZEQUIEL ROJAS.

Mr. Andrade to Mr. Gresham.

[Translation.]

LEGATION OF VENEZUELA.
WASHINGTON, December 31, 1894.

Sir :

The Government of Venezuela has seen with great interest the words used by His Excellency, Mr. Cleveland, in speaking of the Guiana boundary question in his message of this year to the Congress of the United States, and has hastened to give expression of its gratitude and satisfaction, and to become the interpreter of the national sentiment in the communication which has been addressed by the department of foreign relations to the honorable head of the United States legation at Caracas, and which I have the honor to transcribe below :

“The message of His Excellency, President Cleveland, to the United States Congress, which met early in the present month, contains passages relative to our controversy with England which speak volumes for the spirit of justice and the thorough Americanism of that eminent statesman. The principle of arbitration is there invoked as being that which is best calculated to put an end to the dispute ; its adoption is recommended as the best means of protecting the honor of both parties ; it is declared that Venezuela, the weaker party, eagerly desires it, and the promise is given that the voice of the great American nation will make itself heard in behalf of an honorable and peaceable settlement of the wearisome dispute.

“Venezuela, most excellent sir, has witnessed with singular gratitude the noble evidence of a desire to secure her tranquility and honor ; and the Government of which I am a member, being the natural interpreter of the national sentiment, earnestly desires that His Excellency, President Cleveland, should be made aware of the pleasing impression which has been caused here by his eloquent words, and that he should know that he may rely upon the thankfulness of the Republic for the generous offices which, in behalf of a satisfactory arrangement between England and Venezuela, he promises in that remarkable document to exercise.

"The Executive of this Republic hopes that your honorable legation will be pleased to transmit the expression of these feelings to His Excellency, the President of the United States, through the Department of State, and in informing Your Excellency of this I have the honor to renew to you the sincere assurances of my high consideration," etc.

By means of the foregoing reproduction I have taken pleasure in performing in the most faithful manner, according to my judgment, the honorable task which His Excellency, the Minister of Foreign Relations has seen fit to entrust to me, viz., that of communicating to Your Excellency the sentiments expressed in the note above inserted, he having desired that the expression of the gratitude of the Venezuelan Government should reach President Cleveland through two channels at once, *i. e.*, through Mr. Haselton and through me.

I avail, etc.,
JOSÉ ANDRADE.

Joint Resolution by the U. S. Congress.

53D CONGRESS, 3D SESSION, H. RES. 252.

IN THE HOUSE OF REPRESENTATIVES.

January 10, 1895.

Referred to the Committee on Foreign Affairs and ordered to be printed.

Mr. Livingston introduced the following joint resolution :

JOINT RESOLUTION

relative to the British Venezuelan-Guiana boundary dispute.

Whereas, In the present enlightened age of the world, when international disputes in general, and more particularly those pertaining to boundary, are in constant process of adjustment by joint commission or by outside arbitration ; and

Whereas, Since the existing boundary dispute in Guiana between Great Britain and Venezuela ought not to constitute an exception to the general rule, but should more naturally come within the scope and range of modern international precedent

and practice, in that it turns exclusively upon simple and readily ascertainable historical facts ; and

Whereas, Since it would be extremely gratifying to all peace-loving peoples, and particularly to the impartial friends of both parties, to see this long-standing and disquieting boundary dispute in Guiana adjusted in a manner just and honorable alike to both, to the end that possible international complications be avoided and American public law and traditions maintained : Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President's suggestion, made in his last annual message to this body, namely, that Great Britain and Venezuela refer their dispute as to boundary to friendly arbitration, be earnestly recommended to the favorable consideration of both the parties in interest.

The resolution, in this form, passed unanimously in the House, February 7, 1896, when it was transmitted to the Senate, which struck out the preamble, and then passed the resolution, by unanimous vote, in the following form, which was concurred in by the House :

“THE BRITISH-VENEZUELA-GUIANA BOUNDARY DISPUTE.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President's suggestion, made in his last annual message to this body, namely, that Great Britain and Venezuela refer their dispute as to the boundary to friendly arbitration, be earnestly recommended to the favorable consideration of both the parties in interest.”

PART XIV.

Extract from President Cleveland's Annual Message of December 2, 1895.

It being apparent that the boundary dispute between Great Britain and the Republic of Venezuela concerning the limits of British Guiana was approaching an acute stage, a definite statement of the interest and policy of the United States as regards

the controversy seemed to be required both on its own account and in view of its relations with the friendly powers directly concerned. In July last, therefore, a dispatch was addressed to our ambassador at London for communication to the British Government, in which the attitude of the United States was distinctly set forth. The general conclusions therein reached and formulated are in substance that the traditional and established policy of this Government is firmly opposed to a forcible increase by any European power of its territorial possessions on this continent ; that this policy is as well founded in principle as it is strongly supported by numerous precedents ; that as a consequence the United States is bound to protest against the enlargement of the area of British Guiana in derogation of the rights and against the will of Venezuela ; that, considering the disparity in strength of Great Britain and Venezuela, the territorial dispute between them can be reasonably settled only by friendly and impartial arbitration, and that the resort to such arbitration should include the whole controversy, and is not satisfied if one of the powers concerned is permitted to draw an arbitrary line through the territory in debate and to declare that it will submit to arbitration only the portion lying on one side of it. In view of these conclusions, the dispatch in question called upon the British Government for a definite answer to the question whether it would or would not submit the territorial controversy between itself and Venezuela in its entirety to impartial arbitration. The answer of the British Government has not yet been received, but is expected shortly, when further communication on the subject will probably be made to the Congress.

Special Message of President Cleveland Relative to the Venezuelan Boundary Controversy, Dec. 17, 1895.

To the Congress :

In my annual message addressed to the Congress on the third instant I called attention to the pending boundary con-

troversy between Great Britain and the Republic of Venezuela and recited the substance of a representation made by this Government to Her Britannic Majesty's Government suggesting reasons why such dispute should be submitted to arbitration for settlement, and inquiring whether it would be so submitted.

The answer of the British Government, which was then awaited, has since been received and, together with the dispatch to which it is a reply, is hereto appended.

Such reply is embodied in two communications addressed by the British Prime Minister to Sir Julian Pauncefote, the British Ambassador at this capital. It will be seen that one of these communications is devoted exclusively to observations upon the Monroe doctrine, and claims that in the present instance a new and strange extension and development of this doctrine is insisted on by the United States, that the reasons justifying an appeal to the doctrine enunciated by President Monroe are generally inapplicable "to the state of things in which we live at the present day," and especially inapplicable to a controversy involving the boundary line between Great Britain and Venezuela.

Without attempting extended argument in reply to these positions, it may not be amiss to suggest that the doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life, and cannot become obsolete while our Republic endures. If the balance of power is justly a cause for jealous anxiety among the governments of the old world, and a subject for our absolute non-interference, none the less is an observance of the Monroe doctrine of vital concern to our people and their government.

Assuming, therefore, that we may properly insist upon this doctrine without regard to "the state of things in which we live," or any changed conditions here or elsewhere, it is not

apparent why its application may not be invoked in the present controversy.

If an European power, by an extension of its boundaries, takes possession of the territory of one of our neighboring Republics against its will and in derogation of its rights, it is difficult to see why to that extent such European power does not thereby attempt to extend its system of Government to that portion of this continent which is thus taken. This is the precise action which President Monroe declares to be "dangerous to our peace and safety," and it can make no difference whether the European system is extended by an advance of frontier or otherwise.

It is also suggested in the British reply that we should not seek to apply the Monroe doctrine to the pending dispute because it does not embody any principle of international law which "is founded on the general consent of nations," and that "no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which was never recognized before, and which has not since been accepted by the Government of any other country.

Practically the principle for which we contend has peculiar if not exclusive relation to the United States. It may not have been admitted in so many words to the code of international law, but since in international councils every nation is entitled to the rights belonging to it, if the enforcement of the Monroe doctrine is something we may justly claim, it has its place in the code of international law as certainly and as securely as if it were specifically mentioned, and where the United States is a suitor before the high tribunal that administers international law, the question to be determined is whether or not we present claims which the justice of that code of law can find to be right and valid.

The Monroe doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced.

Of course this Government is entirely confident that under the sanction of this doctrine we have clear rights and undoubted claims. Nor is this ignored in the British reply. The Prime Minister, while not admitting that the Monroe doctrine is applicable to present conditions, states : " In declaring that the United States would resist any such enterprise if it was contemplated, President Monroe adopted a policy which received the entire sympathy of the English Government of that date." He further declares : " Though the language of President Monroe is directed to the attainment of objects which most Englishmen would agree to be salutary, it is impossible to admit that they have been inscribed by any adequate authority in the code of international law." Again he says : " They (Her Majesty's Government) fully concur with the view which President Monroe apparently entertained, that any disturbance of the existing territorial distribution in the hemisphere by any fresh acquisitions on the part of any European State, would be a highly inexpedient change."

In the belief that the doctrine for which we contend was clear and definite, that it was founded upon substantial considerations and involved our safety and welfare, that it was fully applicable to our present conditions and to the state of the world's progress and that it was directly related to the pending controversy and without any conviction as to the final merits of the dispute, but anxious to learn in a satisfactory and conclusive manner whether Great Britain sought, under a claim of boundary, to extend her possessions on this continent without right, or whether she merely sought possession of territory fairly included within her lines of ownership, this Government proposed to the Government of Great Britain a resort to arbitration as the proper means of settling the question to the end that a vexatious boundary dispute between the two contestants might be determined and our exact standing and relation in respect to the controversy might be made clear.

It will be seen from the correspondence herewith submitted that this proposition has been declined by the British Government, upon grounds which in the circumstances seem to me to

be far from satisfactory. It is deeply disappointing that such an appeal, actuated by the most friendly feelings towards both nations directly concerned, addressed to the sense of justice and to the magnanimity of one of the great powers of the world and touching its relations to one comparatively weak and small, should have produced no better results.

The course to be pursued by this Government in view of the present condition does not appear to admit of serious doubt. Having labored faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprized of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements and deal with it accordingly. Great Britain's present proposition has never thus far been regarded as admissible by Venezuela, though any adjustment of the boundary which that country may deem for her advantage and may enter into of her own free will cannot of course be objected to by the United States.

Assuming, however, that the attitude of Venezuela will remain unchanged, the dispute has reached such a stage as to make it now incumbent upon the United States to take measures to determine with sufficient certainty for its justification what is the true divisional line between the Republic of Venezuela and British Guiana. The inquiry to that end should of course be conducted carefully and judicially, and due weight should be given to all available evidence records and facts in support of the claims of both parties.

In order that such an examination should be prosecuted in a thorough and satisfactory manner, I suggest that the Congress make an adequate appropriation for the expenses of a Commission, to be appointed by the Executive, who shall make the necessary investigation and report upon the matter with the least possible delay. When such a report is made and accepted, it will in my opinion be the duty of the United States to resist by every means in its power as a willful aggression upon its rights and interests the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any ter-

ritory which after investigation we have determined of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.

I am nevertheless firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor beneath which are shielded and defended a people's safety and greatness.

GROVER CLEVELAND.

EXECUTIVE MANSION,

December 17, 1895.

Mr. Olney to Mr. Bayard.

(No. 804.)

DEPARTMENT OF STATE.

WASHINGTON, July 20, 1895.

His Excellency Thomas F. Bayard, etc., etc., etc., London:

SIR:—I am directed by the President to communicate to you his views upon a subject to which he has given much anxious thought and respecting which he has not reached a conclusion without a lively sense of its great importance as well as of the serious responsibility involved in any action now to be taken.

It is not proposed, and for present purposes is not necessary, to enter into any detailed account of the controversy between Great Britain and Venezuela respecting the western frontier of the Colony of British Guiana. The dispute is of ancient date and began at least as early as the time when Great Britain acquired by the treaty with the Netherlands of 1814 "the

establishments of Demerara, Essequibo, and Berbice." From that time to the present the dividing line between these "establishments" (now called British Guiana) and Venezuela has never ceased to be a subject for contention. The claims of both parties, it must be conceded, are of a somewhat indefinite nature. On the one hand, Venezuela, in every constitution of government since she became an independent State, has declared her territorial limits to be those of the Captaincy General of Venezuela in 1810. Yet, out of "moderation and prudence," it is said, she has contented herself with claiming the Essequibo line—the line of the Essequibo River, that is—to be the true boundary between Venezuela and British Guiana. On the other hand, at least an equal degree of indefiniteness distinguishes the claim of Great Britain.

It does not seem to be asserted, for instance, that in 1814 the "establishments" then acquired by Great Britain had any clearly defined western limits which can now be identified and which are either the limits insisted upon to-day, or, being the original limits, have been the basis of legitimate territorial extensions. On the contrary, having the actual possession of a district called the Pomaron district, she apparently remained indifferent as to the exact area of the colony until 1840, when she commissioned an engineer, Sir Robert Schomburgk, to examine and lay down its boundaries. The result was the Schomburgk line which was fixed by metes and bounds, was delineated on maps, and was at first indicated on the face of the country itself by posts, monograms, and other like symbols. If it was expected that Venezuela would acquiesce in this line, the expectation was doomed to speedy disappointment. Venezuela at once protested and with such vigor and to such purpose that the line was explained to be only tentative—part of a general boundary scheme concerning Brazil and the Netherlands as well as Venezuela—and the monuments of the line set up by Schomburgk were removed by the express order of Lord Aberdeen. Under these circumstances, it seems impossible to treat the Schomburgk line as being the boundary claimed by Great Britain as a matter of right, or as anything but a line

originating in considerations of convenience and expediency. Since 1840 various other boundary lines have from time to time been indicated by Great Britain, but all as conventional lines—lines to which Venezuela's assent has been desired but which in no instance, it is believed, has been demanded as matter of right. Thus neither of the parties is to-day standing for the boundary line predicated upon strict legal right—Great Britain having formulated no such claim at all, while Venezuela insists upon the Essequibo line only as a liberal concession to her antagonist.

Several other features of the situation remain to be briefly noticed—the continuous growth of the undefined British claim, the fate of the various attempts at arbitration of the controversy, and the part in the matter heretofore taken by the United States. As already seen, the exploitation of the Schomburgk line in 1840 was at once followed by the protest of Venezuela and by the proceedings on the part of Great Britain which could fairly be interpreted only as a disavowal of that line. Indeed—in addition to the facts already noticed—Lord Aberdeen himself in 1844 proposed a line beginning at the river Moroco, a distinct abandonment of the Schomburgk line. Notwithstanding this, however, every change in the British claim since that time has moved the frontier of British Guiana farther and farther to the westward of the line thus proposed. The Granville line of 1881 placed the starting point at a distance of twenty-nine miles from the Moroco in the direction of Punta Barima. The Rosebery line of 1886 placed it west of the Guaima river, and about that time, if the British authority known as the Statesman's Year Book is to be relied upon, the area of British Guiana was suddenly enlarged by some 33,000 square miles—being stated as 76,000 square miles in 1885 and 109,000 square miles in 1887. The Salisbury line of 1890 fixed the starting point of the line in the mouth of the Amacuro west of the Punta Barima on the Orinoco. And finally, in 1893, a second Rosebery line carried the boundary from a point to the west of the Amacuro as far as the source of the Cumano river and the Sierra of Usupamo. Nor have the various claims thus

enumerated been claims on paper merely. An exercise of jurisdiction corresponding more or less to such claims has accompanied or followed closely upon each and has been the more irritating and unjustifiable if, as is alleged, an agreement made in the year 1850 bound both parties to refrain from such occupation pending the settlement of the dispute.

While the British claim has been developing in the manner above described, Venezuela has made earnest and repeated efforts to have the question of boundary settled. Indeed, allowance being made for the distractions of a war of independence and for frequent internal revolutions, it may be fairly said that Venezuela has never ceased to strive for its adjustment. It could, of course, do so only through peaceful methods, any resort to force as against its powerful adversary being out of the question. Accordingly, shortly after the drawing of the Schomburgk line, an effort was made to settle the boundary by treaty and was apparently progressing towards a successful issue when the negotiations were brought to an end in 1844 by the death of the Venezuelan plenipotentiary.

In 1848 Venezuela entered upon a period of civil commotions which lasted for more than a quarter of a century, and the negotiations thus interrupted in 1844 were not resumed until 1876. In that year Venezuela offered to close the dispute by accepting the Moroco line proposed by Lord Aberdeen. But, without giving reasons for his refusal, Lord Granville rejected the proposal and suggested a new line comprehending a large tract of territory all pretension to which seemed to have been abandoned by the previous action of Lord Aberdeen. Venezuela refused to assent to it, and negotiations dragged along without result until 1882, when Venezuela concluded that the only course open to her was arbitration of the controversy. Before she had made any definite proposition, however, Great Britain took the initiative by suggesting the making of a treaty which should determine various other questions as well as that of the disputed boundary. The result was that a treaty was practically agreed upon with the Gladstone government in 1886 containing a general arbitration clause under which the parties

might have submitted the boundary dispute to the decision of a third power or of several powers in amity with both.

Before the actual signing of the treaty, however, the administration of Mr. Gladstone was superseded by that of Lord Salisbury, which declined to accede to the arbitration clause of the treaty notwithstanding the reasonable expectations of Venezuela to the contrary based upon the Premier's emphatic declaration in the House of Lords that no serious government would think of not respecting the engagements of its predecessor. Since then Venezuela on the one side has been offering and calling for arbitration, while Great Britain on the other has responded by insisting upon the condition that any arbitration should relate only to such of the disputed territory as lies west of a line designated by herself. As this condition seemed inadmissible to Venezuela and as, while the negotiations were pending, new appropriations of what is claimed to be Venezuelan territory continued to be made, Venezuela in 1887 suspended diplomatic relations with Great Britain, protesting "before Her British Majesty's Government, before all civilized nations, and before the world in general, against the acts of spoliation committed to her detriment by the Government of Great Britain, which she at no time and on no account will recognize as capable of altering in the least the rights which she has inherited from Spain and respecting which she will ever be willing to submit to the decision of a third power."

Diplomatic relations have not since been restored, though what is claimed to be new and flagrant British aggressions forced Venezuela to resume negotiations on the boundary question—in 1890, through its Minister in Paris and a special envoy on that subject—and in 1893, through a confidential agent, Señor Michelena. These negotiations, however, met with the fate of other like previous negotiations—Great Britain refusing to arbitrate except as a territory west of an arbitrary line drawn by herself. All attempts in that direction definitely terminated in October, 1893, when Señor Michelena filed with the Foreign Office the following declaration :

"I perform a most strict duty in raising again in the name

of the Government of Venezuela a most solemn protest against the proceedings of the Colony of British Guiana, constituting encroachments upon the territory of the Republic, and against the declaration contained in Your Excellency's communication that Her Britannic Majesty's Government considers that part of the territory as pertaining to British Guiana and admits no claim to it on the part of Venezuela. In support of this protest I reproduce all the arguments presented to Your Excellency in my note of 29 of last September and those which have been exhibited by the Government of Venezuela on the various occasions they have raised the same protest.

"I lay on Her Britannic Majesty's Government the entire responsibility of the incidents that may arise in the future from the necessity to which Venezuela has been driven to oppose by all possible means the disposition of a part of her territory, for by disregarding her just representation to put an end to this violent state of affairs through the decision of arbiters, Her Majesty's Government ignores her rights and imposes upon her the painful though peremptory duty of providing for her own legitimate defense."

To the territorial controversy between Great Britain and the Republic of Venezuela, thus briefly outlined, the United States has not been and, indeed, in view of its traditional policy, could not be indifferent. The note to the British Foreign Office by which Venezuela opened negotiations in 1876 was at once communicated to this Government. In January, 1881, a letter of the Venezuelan Minister at Washington, respecting certain alleged demonstrations at the mouth of the Orinoco, was thus answered by Mr. Evarts, then Secretary of State :

"In reply I have to inform you that in view of the deep interest which the Government of the United States takes in all transactions tending to attempted encroachments of foreign powers upon the territory of any of the Republics of this continent, this Government could not look with indifference to the forcible acquisition of such territory by England if the mission of the vessels now at the mouth of the Orinoco should be

found to be for that end. This Government awaits, therefore, with natural concern the more particular statements promised by the Government of Venezuela, which it hopes will not be long delayed."

In the February following, Mr. Evarts wrote again on the same subject as follows :

"Referring to your note of the 21st of December last, touching the operations of certain British war vessels in and near the mouth of the Orinoco River and to my reply thereto of the 31st ultimo as well as to the recent occasions in which the subject has been mentioned in our conferences concerning the business of your mission, I take it to be fitting now at the close of my incumbency of the office I hold to advert to the interest with which the Government of the United States cannot fail to regard any such purpose with respect to the control of American territory as is stated to be contemplated by the Government of Great Britain and to express my regret that the further information promised in your note with regard to such designs had not reached me in season to receive the attention which, notwithstanding the severe pressure of public business at the end of an administrative term, I should have taken pleasure in bestowing upon it. I doubt not, however, that your representations in fulfillment of the awaited additional orders of your Government will have like earnest and solicitous consideration at the hands of my successor."

In November, 1882, the then state of negotiations with Great Britain together with a copy of an intended note suggesting recourse to arbitration was communicated to the Secretary of State by the President of Venezuela with the expression of the hope that the United States would give him its opinion and advice and such support as it deemed possible to offer Venezuela in order that justice should be done her. Mr. Frelinghuysen replied in a dispatch to the United States Minister at Caracas as follows :

"This Government has already expressed its view that arbitration of such disputes is a convenient resort in the case of failure to come to a mutual understanding, and intimated its

willingness, if Venezuela should so desire, to propose to Great Britain such a mode of settlement. It is felt that the tender of good offices would not be so profitable if the United States were to approach Great Britain as the advocate of any prejudged solution in favor of Venezuela. So far as the United States can counsel and assist Venezuela, it believes it best to confine its reply to the renewal of the suggestion of arbitration and the offer of all its good offices in that direction. This suggestion is the more easily made, since it appears, from the instructions sent by Señor Seijas to the Venezuelan Minister in London on the same 15th of July, 1882, that the President of Venezuela proposed to the British Government the submission of the dispute to arbitration by a third power.

“You will take an early occasion to present the foregoing considerations to Señor Seijas, saying to him that, while trusting that the direct proposal of arbitration already made to Great Britain may bear good fruit (if, indeed, it has not already done so by its acceptance in principle), the Government of the United States will cheerfully lend any needful aid to press upon Great Britain in a friendly way the proposition so made, and at the same time you will say to Señor Seijas (in personal conference, and not with the formality of a written communication) that the United States, while advocating strongly the recourse of arbitration for the adjustment of international disputes affecting the States of America, does not seek to put itself forward as their arbiter; that, viewing all such questions impartially and with no intent or desire to prejudge their merits, the United States will not refuse its arbitration if asked by both parties, and that, regarding all such questions as essentially and distinctively American, the United States would always prefer to see such contentions adjusted through the arbitration of an American rather than an European power.”

In 1884 General Guzman Blanco, the Venezuelan Minister to England appointed with special reference to pending negotiations for a general treaty with Great Britain, visited Washington on his way to London and, after several conferences with the Secretary of State respecting the objects of his mission,

was thus commended to the good offices of Mr. Lowell, our Minister at St. James':

"It will necessarily be somewhat within your discretion how far your good offices may be profitably employed with Her Majesty's Government to these ends, and at any rate you may take proper occasion to let Lord Granville know that we are not without concern as to whatever may affect the interests of a sister Republic of the American continent and its position in the family of nations.

"If General Guzman should apply to you for advice or assistance in realizing the purposes of his mission, you will show him proper consideration, and without committing the United States to any determinate political solution, you will endeavor to carry out the views of this instruction."

The progress of Gen. Guzman's negotiations did not fail to be observed by this Government, and in December, 1886, with a view to preventing the rupture of diplomatic relations—which actually took place in February following—the then Secretary of State, Mr. Bayard, instructed our Minister to Great Britain to tender the arbitration of the United States, in the following terms:

"It does not appear that at any time heretofore the good offices of this Government have been actually tendered to avert a rupture between Great Britain and Venezuela. As intimated in my No. 58, our inaction in this regard would seem to be due to the reluctance of Venezuela to have the Government of the United States take any steps having relation to the action of the British Government which might, in appearance even, prejudice the resort to further arbitration or mediation which Venezuela desired. Nevertheless, the records abundantly testify our friendly concern in the adjustment of the dispute; and the intelligence now received warrants me in tendering through you to Her Majesty's Government the good offices of the United States to promote an amicable settlement of the respective claims of Great Britain and Venezuela in the premises.

"As proof of the impartiality with which we view the

question, we offer our arbitration, if acceptable to both countries. We do this with the less hesitancy as the dispute turns upon simple and readily ascertainable historical facts.

"Her Majesty's Government will readily understand that this attitude of friendly neutrality and entire impartiality touching the merits of the controversy, consisting wholly in a difference of facts between our friends and neighbors, is entirely consistent and compatible with the sense of responsibility that rests upon the United States in relation to the South American republics. The doctrines we announced two generations ago, at the instance and with the moral support and approval of the British Government, have lost none of their force or importance in the progress of time, and the Governments of Great Britain and the United States are equally interested in conserving a status, the wisdom of which has been demonstrated by the experience of more than half a century.

"It is proper, therefore, that you should convey to Lord Iddesleigh, in such sufficiently guarded terms as your discretion may dictate, the satisfaction that would be felt by the Government of the United States in perceiving that its wishes in this regard were permitted to have influence with Her Majesty's Government."

This offer of mediation was declined by Great Britain, with the statement that a similar offer had already been received from another quarter, and that the Queen's Government were still not without hope of a settlement by direct diplomatic negotiations. In February, 1888, having been informed that the Governor of British Guiana had by formal decree laid claim to the territory traversed by the route of a proposed railway from Ciudad Bolivar to Guacipati, Mr. Bayard addressed a note to our Minister to England, from which the following extracts are taken :

"The claim now stated to have been put forth by the authorities of British Guiana necessarily gives rise to grave disquietude, and creates an apprehension that the territorial claim does not follow historical traditions or evidence, but is apparently indefinite. At no time hitherto does it appear

that the district, of which Guacipati is the center, has been claimed as British territory or that such jurisdiction has ever been asserted over its inhabitants; and if the reported decree of the Governor of British Guiana be indeed genuine, it is not apparent how any line of railway from Ciudad Bolivar to Guacipati could enter or traverse territory within the control of Great Britain.

"It is true that the line claimed by Great Britain as the western boundary of British Guiana is uncertain and vague. It is only necessary to examine the British Colonial Office List for a few years back to perceive this. In the issue for 1877, for instance, the line runs nearly southwardly from the mouth of the Amacuro to the junction of the Cotinga and Takutu rivers. In the issue of 1887, ten years later, it makes a wide detour to the westward, following the Yuruari. Guacipati lies considerably to the westward of the line officially claimed in 1887, and it may perhaps be instructive to compare with it the map which doubtless will be found in the Colonial Office List for the present year.

"It may be well for you to express anew to Lord Salisbury the great gratification it would afford this Government to see the Venezuelan dispute amicably and honorably settled by arbitration or otherwise, and our readiness to do anything we properly can to assist to that end.

"In the course of your conversation you may refer to the publication in the London Financier of January 24 (a copy of which you can procure and exhibit to Lord Salisbury), and express apprehension lest the widening pretensions of British Guiana to possess territory over which Venezuela's jurisdiction has never heretofore been disputed may not diminish the chances for a practical settlement.

"If, indeed, it should appear that there is no fixed limit to the British boundary claim, our good disposition to aid in a settlement might not only be defeated, but be obliged to give place to a feeling of grave concern."

In 1889, information having been received that Barima, at the mouth of the Orinoco, had been declared a British port,

Mr. Blaine, then Secretary of State, authorized Mr. White to confer with Lord Salisbury for the re-establishment of diplomatic relations between Great Britain and Venezuela on the basis of a temporary restoration of the *status quo*, and May 1 and May 6, 1890, sent the following telegrams to our Minister to England, Mr. Lincoln: (May 1, 1890)—

"Mr. Lincoln is instructed to use his good offices with Lord Salisbury to bring about the resumption of diplomatic intercourse between Great Britain and Venezuela as a preliminary step towards the settlement of the boundary dispute by arbitration. The joint proposals of Great Britain and the United States toward Portugal which have just been brought about would seem to make the present time propitious for submitting this question to an international arbitration. He is requested to propose to Lord Salisbury, with a view to an accommodation, that an informal conference be had in Washington or in London of representatives of the three Powers. In such conference the position of the United States is one solely of impartial friendship toward both litigants."

(May 6, 1890)—

"It is, nevertheless desired that you shall do all you can consistently with our attitude of impartial friendship to induce some accord between the contestants by which the merits of the controversy may be fairly ascertained and the rights of each party justly confirmed. The neutral position of this Government does not comport with any expression of opinion on the part of this Department as to what these rights are, but it is confident that the shifting footing on which the British boundary question has rested for several years past is an obstacle to such a correct appreciation of the nature and grounds of her claim as would alone warrant the formation of any opinion."

In the course of the same year, 1890, Venezuela sent to London a special envoy to bring about the resumption of diplomatic relations with Great Britain through the good offices of the United States Minister. But the mission failed because a condition of such resumption, steadily adhered to by Vene-

zuela, was the reference of the boundary dispute to arbitration. Since the close of the negotiations initiated by Señor Michelenia in 1893, Venezuela has repeatedly brought the controversy to the notice of the United States, has insisted upon its importance to the United States as well as to Venezuela, has represented it to have reached an acute stage—making definite action by the United States imperative—and has not ceased to solicit the services and support of the United States in aid of its final adjustment. These appeals have not been received with indifference, and our Ambassador to Great Britain has been uniformly instructed to exert all his influence in the direction of the re-establishment of diplomatic relations between Great Britain and Venezuela and in favor of arbitration of the boundary controversy. The Secretary of State in a communication to Mr. Bayard, bearing date July 13, 1894, used the following language :

“The President is inspired by a desire for a peaceable and honorable settlement of the existing difficulties between an American state and a powerful transatlantic nation, and would be glad to see the re-establishment of such diplomatic relations between them as would promote that end.

“I can discern but two equitable solutions of the present controversy. One is the arbitral determination of the rights of the disputants as the respective successors to the historical rights of Holland and Spain over the region in question. The other is to create a new boundary line in accordance with the dictates of mutual expediency and consideration. The two Governments having so far been unable to agree on a conventional line, the consistent and conspicuous advocacy by the United States and England of the principle of arbitration and their recourse thereto in settlement of important questions arising between them, makes such a mode of adjustment especially appropriate in the present instance, and this Government will gladly do what it can to further a determination in that sense.”

Subsequent communications to Mr. Bayard direct him to ascertain whether a Minister from Venezuela would be received

by Great Britain. In the annual Message to Congress of December 3d last, the President used the following language :

"The boundary of British Guiana still remains in dispute between Great Britain and Venezuela. Believing that its early settlement, on some just basis alike honorable to both parties, is in the line of our established policy to remove from this hemisphere all causes of difference with the powers beyond the sea, I shall renew the efforts heretofore made to bring about a restoration of diplomatic relations between the disputants and to induce a reference to arbitration, a resort which Great Britain so conspicuously favors in principle and respects in practice and which is earnestly sought by her weaker adversary. "

And February 22, 1895, a joint resolution of Congress declared

"That the President's suggestion . . . that Great Britain and Venezuela refer their dispute as to boundaries to friendly arbitration be earnestly recommended to the favorable consideration of both parties in interest."

The important features of the existing situation, as shown by the foregoing recital, may be briefly stated.

1. The title to territory of indefinite but confessedly very large extent is in dispute between Great Britain on the one hand and the South American Republic of Venezuela on the other.

2. The disparity in the strength of the claimants is such that Venezuela can hope to establish her claim only through peaceful methods—through an agreement with her adversary either upon the subject itself or upon an arbitration.

3. The controversy, with varying claims on the part of Great Britain, has existed for more than half a century, during which period many earnest and persistent efforts of Venezuela to establish a boundary by agreement have proved unsuccessful.

4. The futility of the endeavor to obtain a conventional line being recognized, Venezuela for a quarter of a century has asked and striven for arbitration.

5. Great Britain, however, has always and continuously

refused to arbitrate, except upon the condition of a renunciation of a large part of the Venezuelan claim and of a concession to herself of a large share of the territory in controversy.

6. By the frequent interposition of its good offices at the instance of Venezuela, by constantly urging and promoting the restoration of diplomatic relations between the two countries, by pressing for arbitration of the disputed boundary, by offering to act as arbitrator, by expressing its grave concern whenever new alleged instances of British aggression upon Venezuelan territory have been brought to its notice, the Government of the United States has made it clear to Great Britain and to the world that the controversy is one in which both its honor and its interests are involved and the continuance of which it cannot regard with indifference.

The accuracy of the foregoing analysis of the existing status cannot, it is believed, be challenged. It shows that status to be such that those charged with the interests of the United States are now forced to determine exactly what those interests are and what course of action they require. It compels them to decide to what extent, if any, the United States may and should intervene in a controversy between and primarily concerning only Great Britain and Venezuela and to decide how far it is bound to see that the integrity of Venezuelan territory is not impaired by the pretensions of its powerful antagonist. Are any such right and duty devolved upon the United States? If not, the United States has already done all, if not more than all, that a purely sentimental interest in the affairs of the two countries justifies, and to push its interposition further would be unbecoming and undignified and might well subject it to the charge of impertinent intermeddling with affairs with which it has no rightful concern. On the other hand, if any such right and duty exist, their due exercise and discharge will not permit of any action that shall not be efficient and that, if the power of the United States is adequate, shall not result in the accomplishment of the end in view. The question thus presented, as matter of principle and regard being had to the settled national policy, does not seem difficult of

solution. Yet the momentous practical consequences dependent upon its determination require that it should be carefully considered and that the grounds of the conclusion arrived at should be fully and frankly stated.

That there are circumstances under which a nation may justly interpose in a controversy to which two or more other nations are the direct and immediate parties is an admitted canon of international law. The doctrine is ordinarily expressed in terms of the most general character and is perhaps incapable of more specific statement. It is declared in substance that a nation may avail itself of this right whenever what is done or proposed by any of the parties primarily concerned is a serious and direct menace to its own integrity, tranquillity, or welfare. The propriety of the rule when applied in good faith will not be questioned in any quarter. On the other hand, it is an inevitable though unfortunate consequence of the wide scope of the rule, that it has only too often been made a cloak for schemes of wanton spoliation and aggrandizement. We are concerned at this time, however, not so much with the general rule as with a form of it which is peculiarly and distinctively American. Washington, in the solemn admonitions of the Farewell Address, explicitly warned his countrymen against entanglements with the politics or the controversies of European powers.

"Europe [he said] has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course."

During the administration of President Monroe this doctrine of the Farewell Address was first considered in all its aspects and with a view to all its practical consequences. The Farewell Address, while it took America out of the field of European

politics, was silent as to the part Europe might be permitted to play in America. Doubtless it was thought the latest addition to the family of nations should not make haste to prescribe rules for the guidance of its older members, and the expediency and propriety of serving the powers of Europe with notice of a complete and distinctive American policy excluding them from interference with American political affairs might well seem dubious to a generation to whom the French alliance, with its manifold advantages to the cause of American independence, was fresh in mind.

Twenty years later, however, the situation had changed. The lately born nation had greatly increased in power and resources, had demonstrated its strength on land and sea and as well in the conflicts of arms as in the pursuits of peace, and had begun to realize the commanding position on this continent which the character of its people, their free institutions, and their remoteness from the chief scene of European contentions combined to give to it. The Monroe administration therefore did not hesitate to accept and apply the logic of the Farewell Address by declaring in effect that American non-intervention in European affairs necessarily implied and meant European non-intervention in American affairs. Conceiving unquestionably that complete European non-interference in American concerns would be cheaply purchased by complete American non-interference in European concerns, President Monroe, in the celebrated Message of December 2, 1823, used the following language :

“ In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defense. With the movements in this hemisphere, we are, of necessity, more immediately connected and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respect-

ive governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

“With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. . . . Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.”

The Monroe administration, however, did not content itself with formulating a correct rule for the regulation of the relations between Europe and America. It aimed at also securing

the practical benefits to result from the application of the rule. Hence the message just quoted declared that the American continents were fully occupied and were not the subjects for future colonization by European powers. To this spirit and this purpose, also, are to be attributed the passages of the same message which treat any infringement of the rule against interference in American affairs on the part of the powers of Europe as an act of unfriendliness to the United States. It was realized that it was futile to lay down such a rule unless its observance could be enforced. It was manifest that the United States was the only power in this hemisphere capable of enforcing it. It was therefore courageously declared not merely that Europe ought not to interfere in American affairs, but that any European power doing so would be regarded as antagonizing the interests and inviting the opposition of the United States.

That America is in no part open to colonization, though the proposition was not universally admitted at the time of its first enunciation, has long been universally conceded. We are now concerned, therefore, only with that other practical application of the Monroe doctrine, the disregard of which by an European power is to be deemed an act of unfriendliness towards the United States. The precise scope and limitations of this rule cannot be too clearly apprehended. It does not establish any general protectorate by the United States over other American states. It does not relieve any American state from its obligations as fixed by international law nor prevent any European power directly interested from enforcing such obligations or from inflicting merited punishment for the breach of them. It does not contemplate any interference in the internal affairs of any American state or in the relations between it and other American states. It does not justify any attempt on our part to change the established form of government of any American state or to prevent the people of such state from altering that form according to their own will and pleasure. The rule in question has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American state of the right and power of

self-government and of shaping for itself its own political fortunes and destinies.

That the rule thus defined has been the accepted public law of this country ever since its promulgation cannot fairly be denied. Its pronouncement by the Monroe administration at that particular time was unquestionably due to the inspiration of Great Britain, who at once gave to it an open and unqualified adhesion which has never been withdrawn. But the rule was decided upon and formulated by the Monroe administration as a distinctively American doctrine of great import to the safety and welfare of the United States after the most careful consideration by a Cabinet which numbered among its members John Quincy Adams, Calhoun, Crawford, and Wirt, and which before acting took both Jefferson and Madison into its counsels. Its promulgation was received with acclaim by the entire people of the country irrespective of party. Three years after, Webster declared that the doctrine involved the honor of the country. "I look upon it," he said, "as part of its treasures of reputation, and for one I intend to guard it," and he added,

"I look on the message of December, 1823, as forming a bright page in our history. I will help neither to erase it nor to tear it out; nor shall it be by any act of mine blurred or blotted. It did honor to the sagacity of the Government, and I will not diminish that honor."

Though the rule thus highly eulogized by Webster has never been formally affirmed by Congress, the House in 1864 declared against the Mexican monarchy sought to be set up by the French as not in accord with the policy of the United States, and in 1889 the Senate expressed its disapproval of the connection of any European power with a canal across the Isthmus of Darien or Central America. It is manifest that, if a rule has been openly and uniformly declared and acted upon by the executive branch of the Government for more than seventy years without express repudiation by Congress, it must be conclusively presumed to have its sanction. Yet it is certainly no more than the exact truth to say that every adminis-

tration since President Monroe's has had occasion, and sometimes more occasions than one, to examine and consider the Monroe doctrine, and has in each instance given it emphatic endorsement. Presidents have dwelt upon it in messages to Congress, and Secretaries of State have time after time made it the theme of diplomatic representation. Nor, if the practical results of the rule be sought for, is the record either meager or obscure. Its first and immediate effect was indeed most momentous and far-reaching. It was the controlling factor in the emancipation of South America, and to it the independent states which now divide that region between them are largely indebted for their very existence. Since then the most striking single achievement to be credited to the rule is the evacuation of Mexico by the French upon the termination of the civil war. But we are also indebted to it for the provisions of the Clayton-Bulwer treaty, which both neutralized any interoceanic canal across Central America and expressly excluded Great Britain from occupying or exercising any dominion over any part of Central America. It has been used in the case of Cuba as if justifying the position that, while the sovereignty of Spain will be respected, the island will not be permitted to become the possession of any other European power. It has been influential in bringing about the definite relinquishment of any supposed protectorate by Great Britain over the Mosquito Coast.

President Polk, in the case of Yucatan and the proposed voluntary transfer of that country to Great Britain or Spain, relied upon the Monroe Doctrine, though perhaps erroneously, when he declared in a special message to Congress on the subject that the United States could not consent to any such transfer. Yet, in somewhat the same spirit, Secretary Fish affirmed in 1870 that President Grant had but followed "the teachings of all our history" in declaring in his annual message of that year that existing dependencies were no longer regarded as subject to transfer from one European power to another, and that when the present relation of colonies ceases they are to become independent powers. Another development of the rule, though apparently not necessarily required by either its

letter or its spirit, is found in the objection to arbitration of South American controversies by an European power. American questions, it is said, are for American decision, and on that ground the United States went so far as to refuse to mediate in the war between Chili and Peru jointly with Great Britain and France. Finally, on the ground, among others, that the authority of the Monroe doctrine and the prestige of the United States as its exponent and sponsor, would be seriously impaired, Secretary Bayard strenuously resisted the enforcement of the Pelletier claim against Hayti.

"The United States [he said] has proclaimed herself the protector of this western world, in which she is by far the stronger power, from the intrusion of European sovereignties. She can point with proud satisfaction to the fact that over and over again has she declared effectively, that serious indeed would be the consequences if European hostile foot should, without just cause, tread those states in the New World which have emancipated themselves from European control. She has announced that she would cherish as it becomes her the territorial rights of the feeblest of those states, regarding them not merely as in the eye of the law equal to even the greatest of nationalities, but in view of her distinctive policy as entitled to be regarded by her as the objects of a peculiarly gracious care. I feel bound to say that if we should sanction by reprisals in Hayti the ruthless invasion of her territory and insult to her sovereignty which the facts now before us disclose, if we approve by solemn Executive action and Congressional assent that invasion, it will be difficult for us hereafter to assert that in the New World, of whose rights we are the peculiar guardians, these rights have never been invaded by ourselves."

The foregoing enumeration not only shows the many instances wherein the rule in question has been affirmed and applied, but also demonstrates that the Venezuelan boundary controversy is in any view far within the scope and spirit of the rule as uniformly accepted and acted upon. A doctrine of American public law thus long and firmly established and supported could not easily be ignored in a proper case for its

application, even were the considerations upon which it is founded obscure or questionable. No such objection can be made, however, to the Monroe doctrine understood and defined in the manner already stated. It rests, on the contrary, upon facts and principles that are both intelligible and incontrovertible. That distance and three thousand miles of intervening ocean make any permanent political union between an European and an American state unnatural and inexpedient will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. Europe, as Washington observed, has a set of primary interests which are peculiar to herself. America is not interested in them and ought not to be vexed or complicated with them. Each great European power, for instance, to-day maintains enormous armies and fleets in self-defense and for protection against any other European power or powers. What have the states of America to do with that condition of things, or why should they be impoverished by wars or preparations for wars with whose causes or results they can have no direct concern? If all Europe were to suddenly fly to arms over the fate of Turkey, would it not be preposterous that any American state should find itself involved in the miseries and burdens of the contest? If it were, it would prove to be a partnership in the cost and losses of the struggle but not in any ensuing benefits.

What is true of the material, is no less true of what may be termed the moral interests involved. Those pertaining to Europe are peculiar to her and are entirely diverse from those pertaining and peculiar to America. Europe as a whole is monarchical, and, with the single important exception of the Republic of France, is committed to the monarchical principle. America, on the other hand, is devoted to the exactly opposite principle—to the idea that every people has an inalienable right of self-government—and, in the United States of America, has furnished to the world the most conspicuous and conclusive example and proof of the excellence of free institutions, whether from the standpoint of national greatness or of individual happiness. It cannot be necessary, however, to

enlarge upon this phase of the subject—whether moral or material interests be considered, it cannot but be universally conceded that those of Europe are irreconcilably diverse from those of America, and that any European control of the latter is necessarily both incongruous and injurious. If, however, for the reasons stated, the forcible intrusion of European powers into American politics is to be deprecated—if, as it is to be deprecated, it should be resisted and prevented—such resistance and prevention must come from the United States. They would come from it, of course, were it made the point of attack. But, if they come at all, they must also come from it when any other American state is attacked, since only the United States has the strength adequate to the exigency.

Is it true, then, that the safety and welfare of the United States are so concerned with the maintenance of the independence of every American state as against any European power as to justify and require the interposition of the United States whenever that independence is endangered? The question can be candidly answered in but one way. The states of America, South as well as North, by geographical proximity, by natural sympathy, by similarity of governmental constitutions, are friends and allies, commercially and politically, of the United States. To allow the subjugation of any of them by an European power is, of course, to completely reverse the situation, and signifies the loss of all the advantages incident to their natural relations to us. But that is not all. The people of the United States have a vital interest in the cause of popular self-government. They have secured the right for themselves and their posterity at the cost of infinite blood and treasure. They have realized and exemplified its beneficent operation by a career unexampled in point of national greatness or individual felicity. They believe it to be for the healing of all nations, and that civilization must either advance or retrograde accordingly as its supremacy is extended or curtailed. Imbued with these sentiments, the people of the United States might not impossibly be wrought up to an active propaganda in favor of a cause so highly valued both for themselves and for mankind.

But the age of the Crusades has passed, and they are content with such assertion and defense of the right of popular self-government as their own security and welfare demand. It is in that view more than in any other that they believe it not to be tolerated that the political control of an American state shall be forcibly assumed by an European power.

The mischiefs apprehended from such a source are none the less real because not immediately imminent in any specific case, and are none the less to be guarded against because the combination of circumstances that will bring them upon us cannot be predicted. The civilized states of Christendom deal with each other on substantially the same principles that regulate the conduct of individuals. The greater its enlightenment, the more surely every state perceives that its permanent interests require it to be governed by the immutable principles of right and justice. Each, nevertheless, is only too liable to succumb to the temptations offered by seeming special opportunities for its own aggrandizement, and each would rashly imperil its own safety were it not to remember that for the regard and respect of other states it must be largely dependent upon its own strength and power. To-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition. Why? It is not because of the pure friendship or good will felt for it. It is not simply by reason of its high character as a civilized state, nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources combined with its isolated position render it master of the situation and practically invulnerable as against any or all other powers.

All the advantages of this superiority are at once imperiled if the principle be admitted that European powers may convert American states into colonies or provinces of their own. The principle would be eagerly availed of, and every power doing so would immediately acquire a base of military operations against us. What one power was permitted to do could not

be denied to another, and it is not inconceivable that the struggle now going on for the acquisition of Africa might be transferred to South America. If it were, the weaker countries would unquestionably be soon absorbed, while the ultimate result might be the partition of all South America between the various European powers. The disastrous consequences to the United States of such a condition of things are obvious. The loss of prestige, of authority, and of weight in the councils of the family of nations would be among the least of them. Our only real rivals in peace as well as enemies in war would be found located at our very doors. Thus far in our history we have been spared the burdens and evils of immense standing armies and all the other accessories of huge warlike establishments, and the exemption has largely contributed to our national greatness and wealth, as well as to the happiness of every citizen. But, with the powers of Europe permanently encamped on American soil, the ideal conditions we have thus far enjoyed cannot be expected to continue. We too must be armed to the teeth, we too must convert the flower of our male population into soldiers and sailors, and by withdrawing them from the various pursuits of peaceful industry we too must practically annihilate a large share of the productive energy of the nation.

How a greater calamity than this could overtake us it is difficult to see. Nor are our just apprehensions to be allayed by suggestions of the friendliness of European powers—of their good will towards us—of their disposition, should they be our neighbors, to dwell with us in peace and harmony. The people of the United States have learned in the school of experience to what extent the relations of states to each other depend not upon sentiment nor principle, but upon selfish interest. They will not soon forget that, in their hour of distress, all their anxieties and burdens were aggravated by the possibility of demonstrations against their national life on the part of powers with whom they had long maintained the most harmonious relations. They have yet in mind that France seized upon the apparent opportunity of our civil war to set up a

monarchy in the adjoining state of Mexico. They realize that had France and Great Britain held important South American possessions to work from and to benefit, the temptation to destroy the predominance of the Great Republic in this hemisphere by furthering its dismemberment might have been irresistible. From that grave peril they have been saved in the past and may be saved again in the future through the operation of the sure but silent force of the doctrine proclaimed by President Monroe. To abandon it, on the other hand, disregarding both the logic of the situation and the facts of our past experience, would be to renounce a policy which has proved both an easy defense against foreign aggression and a prolific source of internal progress and prosperity.

There is, then, a doctrine of American public law, well founded in principle and abundantly sanctioned by precedent, which entitles and requires the United States to treat as an injury to itself the forcible assumption by an European power of political control over an American state. The application of the doctrine to the boundary dispute between Great Britain and Venezuela remains to be made and presents no real difficulty. Though the dispute relates to a boundary line, yet, as it is between states, it necessarily imports political control to be lost by one party and gained by the other. The political control at stake, too, is of no mean importance, but concerns a domain of great extent—the British claim, it will be remembered, apparently expanded in two years some 33,000 square miles—and, if it also directly involves the command of the mouth of the Orinoco, is of immense consequence in connection with the whole river navigation of the interior of South America. It has been intimated, indeed, that in respect of these South American possessions Great Britain is herself an American state like any other, so that a controversy between her and Venezuela is to be settled between themselves as if it were between Venezuela and Brazil or between Venezuela and Colombia, and does not call for or justify United States intervention. If this view be tenable at all, the logical sequence is plain.

Great Britain as a South American state is to be entirely differentiated from Great Britain generally, and if the boundary question cannot be settled otherwise than by force, British Guiana, with her own independent resources and not those of the British Empire, should be left to settle the matter with Venezuela—an arrangement which very possibly Venezuela might not object to. But the proposition that an European power with an American dependency is for the purposes of the Monroe doctrine to be classed not as an European but as an American state will not admit of serious discussion. If it were to be adopted, the Monroe doctrine would be too valueless to be worth asserting. Not only would every European power now having a South American colony be enabled to extend its possessions on this continent indefinitely, but any other European power might also do the same by first taking pains to procure a fraction of South American soil by voluntary cession.

The declaration of the Monroe message—that existing colonies or dependencies of an European power would not be interfered with by the United States—means colonies or dependencies then existing, with their limits as then existing. So it has been invariably construed, and so it must continue to be construed unless it is to be deprived of all vital force. Great Britain cannot be deemed a South American state within the purview of the Monroe doctrine, nor, if she is appropriating Venezuelan territory, is it material that she does so by advancing the frontier of an old colony instead of by the planting of a new colony. The difference is matter of form and not of substance, and the doctrine if pertinent in the one case must be in the other also. It is not admitted, however, and therefore cannot be assumed, that Great Britain is in fact usurping dominion over Venezuelan territory. While Venezuela charges such usurpation, Great Britain denies it, and the United States, until the merits are authoritatively ascertained, can take sides with neither. But while this is so—while the United States may not, under existing circumstances at least, take upon itself to say which of the two parties is right and which wrong—

it is certainly within its right to demand that the truth shall be ascertained. Being entitled to resent and resist any sequestration of Venezuelan soil by Great Britain, it is necessarily entitled to know whether such sequestration has occurred or is now going on. Otherwise, if the United States is without the right to know and have it determined whether there is or is not British aggression upon Venezuelan territory, its right to protest against or repel such aggression may be dismissed from consideration.

The right to act upon a fact the existence of which there is no right to have ascertained is simply illusory. It being clear, therefore, that the United States may legitimately insist upon the merits of the boundary question being determined, it is equally clear that there is but one feasible mode of determining them, viz., peaceful arbitration. The impracticability of any conventional adjustment has been often and thoroughly demonstrated. Even more impossible of consideration is an appeal to arms—a mode of settling national pretensions unhappily not yet wholly obsolete. If, however, it were not condemnable as a relic of barbarism and a crime in itself, so one-sided a contest could not be invited nor even accepted by Great Britain without distinct disparagement to her character as a civilized state. Great Britain, however, assumes no such attitude. On the contrary, she both admits that there is a controversy and that arbitration should be resorted to for its adjustment. But, while up to that point her attitude leaves nothing to be desired, its practical effect is completely nullified by her insistence that the submission shall cover but a part of the controversy—that, as a condition of arbitrating her right to a part of the disputed territory, the remainder shall be turned over to her. If it were possible to point to a boundary which both parties had ever agreed or assumed to be such either expressly or tacitly, the demand that territory conceded by such line to British Guiana should be held not to be in dispute might rest upon a reasonable basis. But there is no such line. The territory which Great Britain insists shall be ceded to her as a condition of arbitrating her claim to other territory

has never been admitted to belong to her. It has always and consistently been claimed by Venezuela.

Upon what principle—except her feebleness as a nation—is she to be denied the right of having the claim heard and passed upon by an impartial tribunal? No reason nor shadow of reason appears in all the voluminous literature of the subject. “It is to be so because I will it to be so” seems to be the only justification Great Britain offers. It is, indeed, intimated that the British claim to this particular territory rests upon an occupation, which, whether acquiesced in or not, has ripened into a perfect title by long continuance. But what prescription affecting territorial rights can be said to exist as between sovereign states? Or, if there is any, what is the legitimate consequence? It is not that all arbitration should be denied, but only that the submission should embrace an additional topic, namely, the validity of the asserted prescriptive title either in point of law or in point of fact. No different result follows from the contention that as matter of principle Great Britain cannot be asked to submit and ought not to submit to arbitration her political and sovereign rights over territory. This contention, if applied to the whole or to a vital part of the possessions of a sovereign state, need not be controverted. To hold otherwise might be equivalent to holding that a sovereign state was bound to arbitrate its very existence.

But Great Britain has herself shown in various instances that the principle has no pertinency when either the interests or the territorial area involved are not of controlling magnitude and her loss of them as the result of an arbitration cannot appreciably affect her honor or her power. Thus, she arbitrated the extent of her colonial possessions twice with the United States, twice with Portugal, and once with Germany, and perhaps in other instances. The Northwest Water Boundary arbitration of 1872 between her and this country is an example in point and well illustrates both the effect to be given to long-continued use and enjoyment and the fact that a truly great power sacrifices neither prestige nor dignity by reconsidering the most emphatic rejection of a proposition when satisfied of the obvious and intrinsic justice of the case. By the award of the

Emperor of Germany, the arbitrator in that case, the United States acquired San Juan and a number of smaller islands near the coast of Vancouver as a consequence of the decision that the term "the channel which separates the continent from Vancouver's Island," as used in the treaty of Washington of 1846, meant the Haro channel and not the Rosario channel. Yet a leading contention of Great Britain before the arbitrator was that equity required a judgment in her favor because a decision in favor of the United States would deprive British subjects of rights of navigation of which they had had the habitual enjoyment from the time when the Rosario Strait was first explored and surveyed in 1798. So, though by virtue of the award the United States acquired San Juan and the other islands of the group to which it belongs, the British Foreign Secretary had in 1859 instructed the British Minister at Washington as follows:

"Her Majesty's Government must, therefore, under any circumstances, maintain the right of the British Crown to the island of San Juan. The interests at stake in connection with the retention of that island are too important to admit of compromise and Your Lordship will consequently bear in mind that, whatever arrangement as to the boundary line is finally arrived at, no settlement of the question will be accepted by Her Majesty's Government which does not provide for the island of San Juan being reserved to the British Crown."

Thus, as already intimated, the British demand that her right to a portion of the disputed territory shall be acknowledged before she will consent to an arbitration as to the rest seems to stand upon nothing but her own *ipse dixit*. She says to Venezuela, in substance: "You can get none of the debatable land by force, because you are not strong enough; you can get none by treaty, because I will not agree; and you can take your chance of getting a portion by arbitration, only if you first agree to abandon to me such other portion as I may designate." It is not perceived how such an attitude can be defended nor how it is reconcilable with that love of justice and fair play so eminently characteristic of the English race. It in effect deprives Venezuela of her free agency and puts her

under virtual duress. Territory acquired by reason of it will be as much wrested from her by the strong hand as if occupied by British troops or covered by British fleets. It seems therefore quite impossible that this position of Great Britain should be assented to by the United States, or that, if such position be adhered to with the result of enlarging the bounds of British Guiana, it should not be regarded as amounting, in substance, to an invasion and conquest of Venezuelan territory.

In these circumstances the duty of the President appears to him unmistakable and imperative. Great Britain's assertion of title to the disputed territory, combined with her refusal to have that title investigated, being a substantial appropriation of the territory to her own use, not to protest and give warning that the transaction will be regarded as injurious to the interests of the people of the United States as well as oppressive in itself would be to ignore an established policy with which the honor and welfare of this country are closely identified. While the measures necessary or proper for the vindication of that policy are to be determined by another branch of the Government, it is clearly for the Executive to leave nothing undone which may tend to render such determination unnecessary.

You are instructed, therefore, to render the foregoing views to Lord Salisbury by reading to him this communication (leaving with him a copy should he so desire), and to reinforce them by such pertinent considerations as will doubtless occur to you. They call for a definite decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan boundary question in its entirety to impartial arbitration. It is the earnest hope of the President that the conclusion will be on the side of arbitration, and that Great Britain will add one more to the conspicuous precedents she has already furnished in favor of that wise and just mode of adjusting international disputes.

If he is to be disappointed in that hope, however—a result not to be anticipated and in his judgment calculated to greatly embarrass the future relations between this country and Great Britain—it is his wish to be made acquainted with the fact at

such early date as will enable him to lay the whole subject before Congress in his next annual message.

I am, sir, your obedient servant,

RICHARD OLNEY.

Mr. Adee to Mr. Bayard.

[No. 8c6.]

DEPARTMENT OF STATE.

WASHINGTON, July 24, 1895.

His Excellency Thomas F. Bayard, etc., etc., etc., London :

SIR:—In Mr. Olney's instructions No. 804, of the 20th instant, in relation to the Anglo-Venezuelan boundary dispute, you will note a reference to the sudden increase of the area claimed for British Guiana, amounting to 33,000 square miles, between 1884 and 1886. This statement is made on the authority of the British publication entitled the Statesman's Year Book.

I add for your better information that the same statement is found in the British Colonial Office List, a government publication.

In the issue for 1885, the following passage occurs, on page 24, under the head of British Guiana :

"It is impossible to specify the exact area of the Colony, as its precise boundaries between Venezuela and Brazil respectively are undetermined, but it has been computed to be 76,000 square miles."

In the issue of the same List for 1886, the same statement occurs, on page 33, with the change of area to "about 109,000 square miles."

The official maps in the two volumes mentioned are identical, so that the increase of 33,000 square miles claimed for British Guiana is not thereby explained, but later Colonial Office List maps show a varying sweep of the boundary westward into what previously figured as Venezuelan territory, while no change is noted on the Brazilian frontier.

I am, sir, your obedient servant,

ALVA A. ADEE,
Acting Secretary.

Lord Salisbury to Sir Julian Pauncefote.

No. 189.]

FOREIGN OFFICE.

November 26, 1895.

Sir :

On the 7th of August I transmitted to Lord Gough a copy of the despatch from Mr. Olney which Mr. Bayard had left with me that day, and of which he had read portions to me. I informed him at the time that it could not be answered until it had been carefully considered by the Law Officers of the Crown. I have therefore deferred replying to it till after the recess.

I will not now deal with those portions of it which are concerned exclusively with the controversy that has for some time past existed between the Republic of Venezuela and Her Majesty's Government in regard to the boundary which separates their dominions. I take a very different view from Mr. Olney of various matters upon which he touches in that part of the despatch ; but I will defer for the present all observations upon it, as it concerns matters which are not in themselves of first-rate importance, and do not directly concern the relations between Great Britain and the United States.

The latter part however of the despatch, turning from the question of the frontiers of Venezuela, proceeds to deal with principles of a far wider character, and to advance doctrines of international law which are of considerable interest to all the nations whose dominions include any portion of the western hemisphere.

The contentions set forth by Mr. Olney in this part of his despatch are represented by him as being an application of the political maxims which are well known in American discussion under the name of the Monroe doctrine. As far as I am aware, this doctrine has never been before advanced on behalf of the United States in any written communication addressed to the Government of another nation ; but it has been generally adopted and assumed as true by many eminent writers and politicians of the United States. It is said to have largely influenced the Government of that country in the conduct of its foreign affairs: though Mr. Clayton, who was Secretary of State under

President Taylor, expressly stated that that Administration had in no way adopted it. But during the period that has elapsed since the Message of President Monroe was delivered in 1823, the doctrine has undergone a very notable development, and the aspect it now presents in the hands of Mr. Olney differs widely from its character when it first issued from the pen of its author. The two propositions which in effect President Monroe laid down were, first, that America was no longer to be looked upon as a field for European colonization; and, second, that Europe must not attempt to extend its political system to America, or to control the political condition of any of the American communities who had recently declared their independence.

The dangers against which President Monroe thought it right to guard were not as imaginary as they would seem at the present day. The formation of the Holy Alliance; the Congresses of Laybach and Verona; the invasion of Spain by France for the purpose of forcing upon the Spanish people a form of government which seemed likely to disappear, unless it was sustained by external aid, were incidents fresh in the mind of President Monroe when he penned his celebrated Message. The system of which he speaks, and of which he so resolutely deprecates the application to the American Continent, was the system then adopted by certain powerful States upon the Continent of Europe of combining to prevent by force of arms the adoption in other countries of political institutions which they disliked, and to uphold by external pressure those which they approved. Various portions of South America had recently declared their independence, and that independence had not been recognized by the Governments of Spain and Portugal, to which, with small exception, the whole of Central and South America were nominally subject. It was not an imaginary danger that he foresaw, if he feared that the same spirit which had dictated the French expedition into Spain might inspire the more powerful Governments of Europe with the idea of imposing, by the force of European arms, upon the South American communities the form of government and

the political connection which they had thrown off. In declaring that the United States would resist any such enterprise if it was contemplated, President Monroe adopted a policy which received the entire sympathy of the English Government of that date.

The dangers which were apprehended by President Monroe have no relation to the state of things in which we live at the present day. There is no danger of any Holy Alliance imposing its system upon any portion of the American Continent, and there is no danger of any European State treating any part of the American Continent as a fit object for European colonization. It is intelligible that Mr. Olney should invoke, in defence of the views on which he is now insisting, an authority which enjoys so high a popularity with his own fellow-countrymen. But the circumstances with which President Monroe was dealing, and those to which the present American Government is addressing itself, have very few features in common. Great Britain is imposing no "system" upon Venezuela, and is not concerning herself in any way with the nature of the political institutions under which the Venezuelans may prefer to live. But the British Empire and the Republic of Venezuela are neighbors, and they have differed for some time past, and continue to differ, as to the line by which their dominions are separated. It is a controversy with which the United States have no apparent practical concern. It is difficult, indeed, to see how it can materially affect any State or community outside those primarily interested, except perhaps other parts of Her Majesty's dominions, such as Trinidad. The disputed frontier of Venezuela has nothing to do with any of the questions dealt with by President Monroe. It is not a question of the colonization by a European Power of any portion of America. It is not a question of the imposition upon the communities of South America of any system of government devised in Europe. It is simply the determination of the frontier of a British possession which belonged to the Throne of England long before the Republic of Venezuela came into existence. But even if the interests of Venezuela

were so far linked to those of the United States as to give to the latter a *locus standi* in this controversy, their Government apparently have not formed, and certainly do not express, any opinion upon the actual merits of the dispute. The Government of the United States do not say that Great Britain, or that Venezuela, is in the right in the matters that are in issue. But they lay down that the doctrine of President Monroe, when he opposed the imposition of European systems, or the renewal of European colonization, confers upon them the right of demanding that where a European Power has a frontier difference with a South American community, the European Power shall consent to refer that controversy to arbitration; and Mr. Olney states that unless Her Majesty's Government accede to this demand, it will "greatly embarrass the future relations between Great Britain and the United States."

Whatever may be the authority of the doctrine laid down by President Monroe, there is nothing in his language to show that he ever thought of claiming this novel prerogative for the United States. It is admitted that he did not seek to assert a Protectorate over Mexico, or the States of Central and South America. Such a claim would have imposed upon the United States the duty of answering for the conduct of these States, and consequently the responsibility of controlling it. His sagacious foresight would have led him energetically to deprecate the addition of so serious a burden to those which the Rulers of the United States have to bear. It follows of necessity that if the Government of the United States will not control the conduct of these communities, neither can it undertake to protect them from the consequences attaching to any misconduct of which they may be guilty towards other nations. If they violate in any way the rights of another State, or of its subjects, it is not alleged that the Monroe doctrine will assure them the assistance of the United States in escaping from any reparation which they may be bound by international law to give. Mr. Olney expressly disclaims such an inference from the principles he lays down.

But the claim which he founds upon them is, that if any independent American State advances a demand for territory of which its neighbor claims to be the owner, and that neighbor is the colony of a European State, the United States have a right to insist that the European State shall submit the demand and its own impugned rights to arbitration

I will not now enter into a discussion of the merits of this method of terminating international differences. It has proved itself valuable in many cases; but it is not free from defects, which often operate as a serious drawback on its value. It is not always easy to find an Arbitrator who is competent, and who, at the same time, is wholly free from bias; and the task of insuring compliance with the Award when it is made is not exempt from difficulty. It is a mode of settlement of which the value varies much according to the nature of the controversy to which it is applied, and the character of the litigants who appeal to it. Whether, in any particular case, it is a suitable method of procedure is generally a delicate and difficult question. The only parties who are competent to decide that question are the two parties whose rival contentions are in issue. The claim of a third nation, which is unaffected by the controversy, to impose this particular procedure on either of the two others, cannot be reasonably justified, and has no foundation in the law of nations.

In the remarks which I have made, I have argued on the theory that the Monroe doctrine in itself is sound. I must not, however, be understood as expressing any acceptance of it on the part of Her Majesty's Government. It must always be mentioned with respect, on account of the distinguished statesman to whom it is due, and the great nation who have generally adopted it. But international law is founded on the general consent of nations; and no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which was never recognized before, and which has not since been accepted by the Government of any other country. The United States have a right, like any other nation, to interpose in any contro-

versy by which their own interests are affected; and they are the judge whether those interests are touched, and in what measure they should be sustained. But their rights are in no way strengthened or extended by the fact that the controversy affects some territory which is called American. Mr. Olney quotes the case of the recent Chilean war, in which the United States declined to join with France and England in an effort to bring hostilities to a close, on account of the Monroe doctrine. The United States were entirely in their right in declining to join in an attempt at pacification if they thought fit; but Mr. Olney's principle that "American questions are for American decision," even if it receive any countenance from the language of President Monroe (which it does not), cannot be sustained by any reasoning drawn from the law of nations.

The Government of the United States is not entitled to affirm as a universal proposition, with reference to a number of independent States for whose conduct it assumes no responsibility, that its interests are necessarily concerned in whatever may befall those States simply because they are situated in the Western Hemisphere. It may well be that the interests of the United States are affected by something that happens to Chile or to Peru, and that that circumstance may give them the right of interference; but such a contingency may equally happen in the case of China or Japan, and the right of interference is not more extensive or more assured in the one case than in the other.

Though the language of President Monroe is directed to the attainment of objects which most Englishmen would agree to be salutary, it is impossible to admit that they have been inscribed by any adequate authority in the code of international law; and the danger which such admission would involve is sufficiently exhibited, both by the strange development which the doctrine has received at Mr. Olney's hands, and the arguments by which it is supported in the despatch under reply. In defence of it he says :

"That distance and 3,000 miles of intervening ocean *make any permanent political union between a European and an American*

State unnatural and inexpedient will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. Europe has a set of primary interests which are peculiar to herself; America is not interested in them, and ought not to be vexed or complicated with them."

And again :

"Thus far in our history we have been spared the burdens and evils of immense standing armies, and all the other accessories of huge warlike establishments; and the exemption has highly contributed to our national greatness and wealth, as well as to the happiness of every citizen. But *with the Powers of Europe permanently encamped on American soil*, the ideal conditions we have thus far enjoyed cannot be expected to continue."

The necessary meaning of these words is that the union between Great Britain and Canada; between Great Britain and Jamaica and Trinidad; between Great Britain and British Honduras or British Guiana are "inexpedient and unnatural." President Monroe disclaims any such inference from his doctrine; but in this, as in other respects, Mr. Olney develops it. He lays down that the inexpedient and unnatural character of the union between a European and American State is so obvious that it "will hardly be denied." Her Majesty's Government are prepared emphatically to deny it on behalf of both the British and American people who are subject to her Crown. They maintain that the union between Great Britain and her territories in the Western Hemisphere is both natural and expedient. They fully concur with the view which President Monroe apparently entertained, that any disturbance of the existing territorial distribution in that hemisphere, by any fresh acquisitions on the part of any European State, would be a highly inexpedient change. But they are not prepared to admit that the recognition of that expediency is clothed with the sanction which belongs to a doctrine of international law. They are not prepared to admit that the interests of the United States are necessarily concerned in every frontier dispute which may arise between any two of the States who possess

dominion in the Western Hemisphere; and still less can they accept the doctrine that the United States are entitled to claim that the process of arbitration shall be applied to any demand for the surrender of territory which one of those States may make against another.

I have commented, in the above remarks, only upon the general aspect of Mr. Olney's doctrines, apart from the special considerations which attach to the controversy between the United Kingdom and Venezuela in its present phase. This controversy has undoubtedly been made more difficult by the inconsiderate action of the Venezuelan Government in breaking off relations with Her Majesty's Government, and its settlement has been correspondingly delayed; but Her Majesty's Government have not surrendered the hope that it will be adjusted by a reasonable arrangement at an early date.

I request that you will read the substance of the above despatch to Mr. Olney, and leave him a copy if he desires it.

S.

Lord Salisbury to Sir Julian Pauncefote.

No. 190.]

FOREIGN OFFICE.

November 26, 1895.

Sir:

In my preceding despatch of to-day's date I have replied only to the latter portion of Mr. Olney's despatch of the 20th July last, which treats of the application of the Monroe doctrine to the question of the boundary dispute between Venezuela and the colony of British Guiana. But it seems desirable, in order to remove some evident misapprehensions as to the main features of the question, that the statement of it contained in the earlier portion of Mr. Olney's despatch should not be left without reply. Such a course will be the more convenient, because, in consequence of the suspension of diplomatic relations, I shall not have the opportunity of setting right misconceptions of this kind in the ordinary way in a despatch addressed to the Venezuelan Government itself.

Her Majesty's Government, while they have never avoided or declined argument on the subject with the Government of Venezuela, have always held that the question was one which had no direct bearing on the material interests of any other country, and have consequently refrained hitherto from presenting any detailed statement of their case either to the United States or to other foreign Governments.

It is, perhaps, a natural consequence of this circumstance that Mr. Olney's narration of what has passed bears the impress of being mainly, if not entirely, founded on *ex parte* statements emanating from Venezuela, and gives, in the opinion of Her Majesty's Government, an erroneous view of many material facts.

Mr. Olney commences his observations by remarking that "the dispute is of ancient date, and began at least as early as the time when Great Britain acquired by the Treaty with the Netherlands in 1814 the establishments of Demerara, Essequibo, and Berbice. From that time to the present the dividing line between these establishments, now called British Guiana and Venezuela has never ceased to be subject of contention."

This statement is founded on misconception. The dispute on the subject of the frontier did not, in fact, commence till after the year 1840.

The title of Great Britain to the territory in question is derived, in the first place, from conquest and military occupation of the Dutch settlements in 1796. Both on this occasion, and at the time of a previous occupation of those settlements in 1781, the British authorities marked the western boundary of their possessions as beginning some distance up the Orinoco beyond Point Barima, in accordance with the limits claimed and actually held by the Dutch, and this has always since remained the frontier claimed by Great Britain. The definite cession of the Dutch settlements to England was, as Mr. Olney states, placed on record by the Treaty of 1814, and although the Spanish Government were parties to the negotiations which led to that Treaty, they did not at any stage of

them raise objection to the frontiers claimed by Great Britain, though these were perfectly well known to them. At that time the Government of Venezuela had not been recognized even by the United States, though the province was already in revolt against the Spanish Government, and had declared its independence. No question of frontier was raised with Great Britain either by it or by the Government of the United States of Colombia, in which it became merged in 1819. That Government, indeed, on repeated occasions, acknowledged its indebtedness to Great Britain for her friendly attitude. When in 1830 the Republic of Venezuela assumed a separate existence its Government was equally warm in its expressions of gratitude and friendship, and there was not at the time any indication of an intention to raise such claims as have been urged by it during the latter portion of this century.

It is true, as stated by Mr. Olney, that, in the Venezuelan Constitution of 1830, Article 5 lays down that "the territory of Venezuela comprises all that which previously to the political changes of 1810 was denominated the Captaincy-General of Venezuela." Similar declarations had been made in the fundamental laws promulgated in 1819 and in 1821.

I need not point out that a declaration of this kind made by a newly self-constituted State can have no valid force against international arrangements previously concluded by the nation from which it has separated itself.

But the present difficulty would never have arisen if the Government of Venezuela had been content to claim only those territories which could be proved or even reasonably asserted to have been practically in the possession and under the effective jurisdiction of the Captaincy-General of Venezuela.

There is no authoritative statement by the Spanish Government of those territories, for a Decree which the Venezuelan Government allege to have been issued by the King of Spain in 1768, describing the Province of Guiana as bordered on the south by the Amazon and on the east by the Atlantic, certainly cannot be regarded as such. It absolutely ignores the

Dutch settlements, which not only existed in fact, but had been formally recognized by the Treaty of Münster of 1648, and it would, if now considered valid, transfer to Venezuela the whole of the British, Dutch, and French Guianas, and an enormous tract of territory belonging to Brazil.

But of the territories claimed and actually occupied by the Dutch, which were those acquired from them by Great Britain, there exist the most authentic declarations. In 1759, and again in 1769, the States-General of Holland addressed formal remonstrances to the Court of Madrid against the incursions of the Spaniards into their posts and settlements in the basin of the Cuyuni. In these remonstrances they distinctly claimed all the branches of the Essequibo river, and especially, the Cuyuni river, as lying within Dutch territory. They demanded immediate reparation for the proceedings of the Spaniards and reinstatement of the posts said to have been injured by them, and suggested that a proper delineation between the Colony of Essequibo and the Rio Orinoco should be laid down by authority.

To this claim the Spanish Government never attempted to make any reply. But it is evident from the archives which are preserved in Spain, and to which, by the courtesy of the Spanish Government, reference has been made, that the Council of State did not consider that they had the means of rebutting it, and that neither they nor the Governor of Cumana were prepared seriously to maintain the claims which were suggested in reports from his subordinate officer, the Commandant of Guiana. These reports were characterized by the Spanish Ministers as insufficient and unsatisfactory, as "professing to show the Province of Guiana under too favorable a light," and finally by the Council of State as appearing from other information to be "very improbable." They form, however, with a map which accompanied them, the evidence on which the Venezuelan Government appear most to rely, though it may be observed that among other documents which have from time to time been produced or referred to by them in the course of the discussions is a Bull of Pope Alexander

VI. in 1493, which, if it is to be considered as having any present validity, would take from the Government of the United States all title to jurisdiction on the Continent of North America. The fundamental principle underlying the Venezuelan argument is, in fact, that, inasmuch as Spain was originally entitled of right to the whole of the American Continent, any territory on that Continent which she cannot be shown to have acknowledged in positive and specific terms to have passed to another Power can only have been acquired by wrongful usurpation, and if situated to the north of the Amazon and west of the Atlantic must necessarily belong to Venezuela, as her self-constituted inheritor in those regions. It may reasonably be asked whether Mr. Olney would consent to refer to the arbitration of another Power pretensions raised by the Government of Mexico on such a foundation to large tracts of territory which had long been comprised in the Federation.

The circumstances connected with the making of what is called the "Schomburgk" line are as follows:

In 1835 a grant was made by the British Government for the exploration of the interior of the British Colony, and Mr. (afterward Sir Robert) Schomburgk, who was employed on this service, on his return to the capital of the Colony in July, 1839, called the attention of the Government to the necessity for an early demarcation of its boundaries. He was in consequence appointed in November, 1840, Special Commissioner for provisionally surveying and delimiting the boundaries of British Guiana, and notice of the appointment was given to the Governments concerned, including that of Venezuela.

The intention of Her Majesty's Government at that time was, when the work of the Commissioner had been completed, to communicate to the other Governments their views as to the true boundary of the British Colony, and then to settle any details to which those Governments might take objection.

It is important to notice that Sir R. Schomburgk did not discover or invent any new boundaries. He took particular care to fortify himself with the history of the case. He had

further, from actual exploration and information obtained from the Indians, and from the evidence of local remains, as at Barima, and local traditions, as on the Cuyuni, fixed the limits of the Dutch possessions, and the zone from which all trace of Spanish influence was absent. On such data he based his reports.

At the very outset of his mission he surveyed Point Barima, where the remains of a Dutch fort still existed, and placed there and at the mouth of the Amacura two boundary posts. At the urgent entreaty of the Venezuelan Government these two posts were afterwards removed, as stated by Mr. Olney, but this concession was made on the distinct understanding that Great Britain did not thereby in any way abandon her claim to that position.

In submitting the maps of his survey, on which he indicated the line which he would propose to Her Majesty's Government for adoption, Sir R. Schomburgk called attention to the fact that Her Majesty's Government might justly claim the whole basin of the Cuyuni and Yuruari on the ground that the natural boundary of the Colony included any territory through which flow rivers which fall into the Essequibo. "Upon this principle," he wrote, "the boundary-line would run from the sources of the Carumani towards the sources of the Cuyuni proper, and from thence towards its far more northern tributaries the rivers Iruary (Yuruari) and Iruang (Yuruan), and thus approach the very heart of Venezuelan Guiana." But, on the grounds of complaisance towards Venezuela, he proposed that Great Britain should consent to surrender her claim to a more extended frontier inland in return for the formal recognition of her right to Point Barima. It was on this principle that he drew the boundary-line which has since been called by his name.

Undoubtedly, therefore, Mr. Olney is right when he states that "it seems impossible to treat the Schomburgk line as being the boundary claimed by Great Britain as a matter of right, or as anything but a line originating in considerations of convenience and expediency." The Schomburgk line was in fact a great reduction of the boundary claimed by Great Britain as

a matter of right, and its proposal originated in a desire to come to a speedy and friendly arrangement with a weaker Power with whom Great Britain was at that time, and desired to remain, in cordial relations.

The following are the main facts of the discussions that ensued with the Venezuelan Government :

While Mr. Schomburgk was engaged on his survey the Venezuelan Minister in London had urged Her Majesty's Government to enter into a Treaty of Limits, but received the answer that, if it should be necessary to enter into such a Treaty, a survey was, at any rate, the necessary preliminary, and that this was proceeding.

As soon as Her Majesty's Government were in possession of Mr. Schomburgk's reports, the Venezuelan Minister was informed that they were in a position to commence negotiations, and in January, 1844, M. Fortique commenced by stating the claim of his Government.

This claim, starting from such obsolete grounds as the original discovery by Spain of the American Continent, and mainly supported by quotations of a more or less vague character from the writings of travellers and geographers, but adducing no substantial evidence of actual conquest or occupation of the territory claimed, demanded the Essequibo itself as the boundary of Venezuela.

A reply was returned by Lord Aberdeen, then Secretary of State for Foreign Affairs, pointing out that it would be impossible to arrive at any agreement if both sides brought forward pretensions of so extreme a character, but stating that the British Government would not imitate M. Fortique in putting forward a claim which it could not be intended seriously to maintain. Lord Aberdeen then proceed to announce the concessions which, "out of friendly regard to Venezuela," Her Majesty's Government were prepared to make, and proposed a line starting from the mouth of the Moroco to the junction of the river Barama with the Waini, thence up the Barama to the point at which that stream approached nearest to the

Acarabisi, and thence following Sir R. Schomburgk's line from the source of the Acarabisi onwards.

A condition was attached to the proffered cession, viz., that the Venezuelan Government should enter into an engagement that no portion of the territory proposed to be ceded should be alienated at any time to a foreign Power, and that the Indian tribes residing in it should be protected from oppression.

No answer to the note was ever received from the Venezuelan Government, and in 1850 Her Majesty's Government informed Her Majesty's Chargé d'Affaires at Caracas that as the proposal had remained for more than six years unaccepted, it must be considered as having lapsed, and authorized him to make a communication to the Venezuelan Government to that effect.

A report having at the time become current in Venezuela that Great Britain intended to seize Venezuelan Guiana, the British Government distinctly disclaimed such an intention, but inasmuch as the Government of Venezuela subsequently permitted projects to be set on foot for the occupation of Point Barima and certain other positions in dispute, the British Chargé d'Affaires was instructed in June, 1850, to call the serious attention of the President and Government of Venezuela to the question, and to declare to them "that, whilst, on the one hand, Great Britain had no intention to occupy or encroach on the disputed territory, she would not, on the other hand, view with indifference aggressions on that territory by Venezuela."

The Venezuelan Government replied in December of the same year that Venezuela had no intention of occupying or encroaching upon any part of the territory the dominion of which was in dispute, and that orders would be issued to the authorities in Guiana to abstain from taking any steps contrary to this engagement.

This constitutes what has been termed the "Agreement of 1850," to which the Government of Venezuela have frequently appealed, but which the Venezuelans have repeatedly violated in succeeding years.

Their first acts of this nature consisted in the occupation of fresh positions to the east of their previous settlements, and the founding in 1858 of the town of Nueva Providencia on the right bank of the Yuruari, all previous settlements being on the left bank. The British Government, however, considering that these settlements were so near positions which they had not wished to claim, considering also the difficulty of controlling the movements of mining populations, overlooked this breach of the Agreement.

The Governor of the Colony was in 1857 sent to Caracas to negotiate for a settlement of the boundary, but he found the Venezuelan State in so disturbed a condition that it was impossible to commence negotiations, and eventually he came away without having effected anything.

For the next nineteen years, as stated by Mr. Olney, the civil commotions in Venezuela prevented any resumption of negotiations.

In 1876 it was reported that the Venezuelan Government had, for the second time, broken "the Agreement of 1850" by granting licenses to trade and cut wood in Barima and eastward. Later in the same year that Government once more made an overture for the settlement of the boundary. Various delays interposed before negotiations actually commenced; and it was not till 1879 that Señor Rojas began them with a renewal of the claim to the Essequibo as the eastern boundary of Venezuelan Guiana. At the same time he stated that his Government wished "to obtain, by means of a Treaty, a definite settlement of the question, and was disposed to proceed to the demarcation of the divisional line between the two Guianas in a spirit of conciliation and true friendship towards Her Majesty's Government."

In reply to this communication, a note was addressed to Señor Rojas on the 10th of January, 1880, reminding him that the boundary which Her Majesty's Government claimed, as a matter of strict right on grounds of conquest and concession by Treaty, commenced at a point at the mouth of the Orinoco, westward of Point Barima, that it proceeded thence in

a southerly direction to the Imataca Mountains, the line of which is followed to the northwest, passing from thence by the high land of Santa Maria just south of the town of Upata, until it struck a range of hills on the eastern bank of the Caroni River, following these southwards until it struck the great backbone of the Guiana district, the Barima Mountains of British Guiana, and thence southwards to the Pacaraima Mountains. On the other hand, the claim which had been put forward on behalf of Venezuela by General Guzman Blanco in his message to the National Congress of the 20th February, 1877, would involve the surrender of a province now inhabited by 40,000 British subjects, and which had been in the uninterrupted possession of Holland and of Great Britain successively for two centuries. The difference between these two claims being so great, it was pointed out to Señor Rojas that, in order to arrive at a satisfactory arrangement, each party must be prepared to make very considerable concessions to the other, and he was assured that, although the claim of Venezuela to the Essequibo river boundary could not, under any circumstances, be entertained, yet that Her Majesty's Government were anxious to meet the Venezuelan Government in a spirit of conciliation, and would be willing, in the event of a renewal of negotiations for the general settlement of boundaries, to waive a portion of what they considered to be their strict rights if Venezuela were really disposed to make corresponding concessions on her part.

The Venezuelan Minister replied in February, 1881, by proposing a line which commenced on the coast a mile to the north of the Moroco river, and followed certain parallels and meridians inland, bearing a general resemblance to the proposal made by Lord Aberdeen in 1844.

Señor Rojas's proposal was referred to the Lieutenant-Governor and Attorney-General of British Guiana, who were then in England, and they presented an elaborate Report, showing that in the thirty-five years which had elapsed since Lord Aberdeen's proposed concession natives and others had settled in the territory under the belief that they would enjoy the ben-

efits of British rule, and that it was impossible to assent to any such concessions as Señor Rojas's line would involve. They, however, proposed an alternative line, which involved considerable reductions of that laid down by Sir R. Schomburgk.

This boundary was proposed to the Venezuelan Government by Lord Granville in September, 1881, but no answer was ever returned by that Government to the proposal.

While, however, the Venezuelan Minister constantly stated that the matter was under active consideration, it was found that in the same year a Concession had been given by his Government to General Pulgar, which included a large portion of the territory in dispute. This was the third breach by Venezuela of the Agreement of 1850.

Early in 1884 news arrived of a fourth breach by Venezuela of the Agreement of 1850, through two different grants which covered the whole of the territory in dispute, and as this was followed by actual attempts to settle on the disputed territory, the British Government could no longer remain inactive.

Warning was therefore given to the Venezuelan Government and to the concessionnaires, and a British Magistrate was sent into the threatened district to assert the British rights.

Meanwhile, the negotiations for the settlement of the boundary had continued, but the only replies that could be obtained from Señor Guzman Blanco, the Venezuelan Minister, were proposals for arbitration in different forms, all of which Her Majesty's Government were compelled to decline as involving a submission to the Arbitrator of the claim advanced by Venezuela in 1844 to all territory up to the left bank of the Essequibo.

As the progress of settlement by British subjects made a decision of some kind absolutely necessary, and as the Venezuelan Government refused to come to any reasonable arrangement, Her Majesty's Government decided not to repeat the offer of concessions which had not been reciprocated, but to assert their undoubted right to the territory within the Schomburgk line, while still consenting to hold open for further ne-

gotiation, and even for arbitration, the unsettled lands between that line and what they considered to be the rightful boundary," as stated in the note to Señor Rojas of the 10th January, 1880.

The execution of this decision was deferred for a time, owing to the return of Señor Guzman Blanco to London, and the desire of Lord Rosebery, then Secretary of State for Foreign Affairs, to settle all pending questions between the two Governments. Mr. Olney is mistaken in supposing that in 1886 "a Treaty was practically agreed upon containing a general arbitration clause, under which the parties might have submitted the boundary dispute to the decision of a third Power, or of several Powers in amity with both." It is true that General Guzman Blanco proposed that the Commercial Treaty between the two countries should contain a clause of this nature, but it had reference to *future* disputes only. Her Majesty's Government have always insisted on a separate discussion of the frontier question, and have considered its settlement to be a necessary preliminary to other arrangements. Lord Rosebery's proposal, made in July, 1886, was "that the two Governments should agree to consider the territory lying between the boundary lines respectively proposed in the 8th paragraph of Señor Rojaz's note of the 21st February, 1881, and Lord Granville's note of the 15th September, 1881, as the territory in dispute between the two countries, and that a boundary line within the limits of this territory should be traced either by an Arbitrator or by a Joint Commission on the basis of an equal division of this territory, due regard being had to natural boundaries.

Señor Guzman Blanco replied declining the proposal, and repeating that arbitration on the whole claim of Venezuela was the only method of solution which he could suggest. This pretension is hardly less exorbitant than would be a refusal by Great Britain to agree to an arbitration on the boundary of British Columbia and Alaska, unless the United States would consent to bring into question one-half of the whole area of the latter territory. He shortly afterwards left

England, and as there seemed no hope of arriving at an agreement by further discussions, the Schomburgk line, proclaimed as the irreducible boundary of the colony in October, 1886. It must be borne in mind that in taking this step Her Majesty's Government did not assert anything approaching their extreme claim, but confined themselves within the limits of what had as early as 1840 been suggested as a concession out of friendly regard and complaisance.

When Señor Guzman Blanco, having returned to Venezuela, announced his intention of erecting a lighthouse at Point Barima, the British Government expressed their readiness to permit this if he would enter into a formal written agreement that its erection would not be held to prejudice their claim to the site.

In the meanwhile the Venezuelan Government had sent commissioners into the territory to the east of the Schomburgk line, and on their return two notes were addressed to the British Minister at Caracas, dated respectively the 26th and 31st January, 1887, demanding the evacuation of the whole territory held by Great Britain from the mouth of the Orinoco to the Pomeroon river, and adding that should this not be done by the 20th February, and should the evacuation not be accompanied by the acceptance of arbitration as the means of deciding the pending frontier question, diplomatic relations would be broken off. In pursuance of this decision the British representative at Caracas received his passports, and relations were declared by the Venezuelan Government to be suspended on the 21st February, 1887.

In December of that year, as a matter of precaution, and in order that the claims of Great Britain beyond the Schomburgk line might not be considered to have been abandoned, a notice was issued by the Governor of British Guiana formally reserving those claims. No steps have, however, at any time been taken by the British authorities to exercise jurisdiction beyond the Schomburgk line, nor to interfere with the proceedings of the Venezuelans in the territory outside of it, although, pending a settlement of the dispute, Great Britain cannot recog-

nize those proceedings as valid, or as conferring any legitimate title.

The question has remained in this position ever since; the bases on which Her Majesty's Government were prepared to negotiate for its settlement were clearly indicated to the Venezuelan Plenipotentiaries who were successively dispatched to London in 1890, 1891, and 1893, to negotiate for a renewal of diplomatic relations, but as on those occasions the only solutions which the Venezuelan Government professed themselves ready to accept would still have involved the submission to arbitration of the Venezuelan claim to a large portion of the British colony, no progress has yet been made towards a settlement.

It will be seen from the preceding statement that the Government of Great Britain have from the first held the same view as to the extent of territory which they are entitled to claim as a matter of right. It comprised the coast line up to the river Amacura, and the whole basin of the Essequibo river and its tributaries. A portion of that claim, however, they have always been willing to waive altogether; in regard to another portion, they have been and continue to be perfectly ready to submit the question of their title to arbitration. As regards the rest, that which lies within the so-called Schomburgk line, they do not consider that the rights of Great Britain are open to question. Even within that line they have, on various occasions, offered to Venezuela considerable concessions as a matter of friendship and conciliation, and for the purpose of securing an amicable settlement of the dispute. If as time has gone on the concessions thus offered diminished in extent, and have now been withdrawn, this has been the necessary consequence of the gradual spread over the country of British settlements, which Her Majesty's Government cannot in justice to the inhabitants offer to surrender to foreign rule, and the justice of such withdrawal is amply borne out by the researches in the national archives of Holland and Spain, which have furnished further and more convincing evidence in support of the British claims.

The discrepancies in the frontiers assigned to the British

colony in various maps published in England, and erroneously assumed to be founded on official information, are easily accounted for by the circumstances which I have mentioned. Her Majesty's Government cannot, of course, be responsible for such publications made without their authority.

Although the negotiations in 1890, 1891, and 1893 did not lead to any result, Her Majesty's Government have not abandoned the hope that they may be resumed with better success, and that when the internal politics of Venezuela are settled on a more durable basis than has lately appeared to be the case, her government may be enabled to adopt a more moderate and conciliatory course in regard to this question than that of their predecessors. Her Majesty's Government are sincerely desirous of being on friendly relations with Venezuela, and certainly have no design to seize territory that properly belongs to her, or forcibly to extend sovereignty over any portion of her population.

They have, on the contrary, repeatedly expressed their readiness to submit to arbitration the conflicting claims of Great Britain and Venezuela to large tracts of territory which from their auriferous nature are known to be of almost untold value. But they cannot consent to entertain, or to submit to the arbitration of another power or of foreign jurists, however eminent, claims based on the extravagant pretensions of Spanish officials in the last century, and involving the transfer of large numbers of British subjects, who have for many years enjoyed the settled rule of a British colony, to a nation of different race and language, whose political system is subject to frequent disturbance, and whose institutions as yet too often afford very inadequate protection to life and property. No issue of this description has ever been involved in the questions which Great Britain and the United States have consented to submit to arbitration, and Her Majesty's Government are convinced that in similar circumstances the government of the United States would be equally firm in declining to entertain proposals of such a nature.

Your Excellency is authorized to state the substance of this dispatch to Mr. Olney, and to leave him a copy of it if he should desire it.

SALISBURY.

Act of the United States Congress.

[54th Congress.]

PUBLIC ACT—No. 1.

An Act making an appropriation for the expenses of a commission to investigate and report on the true divisional line between the Republic of Venezuela and British Guiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred thousand dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated, for the expenses of a commission to be appointed by the President to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana.

THOMAS B. REED,

Speaker of the House of Representatives.

A. E. STEVENSON,

*Vice-President of the United States and
President of the Senate.*

Approved December 21, 1895.

GROVER CLEVELAND.

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MAP OF A PORTION
OF
VENEZUELA
AND
BRITISH GUIANA
SHOWING
THE ADVANCE OF ENGLISH CLAIMS
ON
VENEZUELAN TERRITORY

COMPILED & DRAWN
BY
T. HEYWARD GIGNILLIAT

1896

Scale of Miles

